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CONNECTED WITH
THE DISPLACEMENT

OF THE

Professor of the Greek Language and Literature

IN THE

UNIVERSITY OF THE CITY OF NEW YORK,

April 2d, 1851:

BY

GEORGE C. ANTHON, A.M.

NEW YORK:

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NARRATIVE.

HAVING been removed by the Council of the University of the City of New York, from the Professorship of the Greek Language and Literature in that Institution, I think it proper, for my own protection, to make public a statement of the circumstances under which my removal took place.

The duty of publishing this narrative would become doubly unpleasant, could I suppose that its publication would be attributed to any vindictive feeling, on my part, towards any person connected with the proceeding; but, as my removal by the Council leaves it fairly to be inferred that I was, in the opinion of that respectable body, for some reason, unfit for my office, I feel bound, for my own vindication, to state publicly *why I was removed*, and *in what manner*.

I wish only to give every one the means of judging whether my reputation and standing should be affected by the censure on me which it seems to imply.

The dismissal of a Professor is a proceeding not of frequent occurrence. It is resorted to in none but extreme cases, and the authorities of a College commonly approach it with hesitation and reluctance. It is felt to involve a heavy responsibility; for, in the ordinary course of things, it must be all but ruinous to the character and prospects of the person affected by it, especially if it occur at the commencement of his professional life. Those whose official station vests them with power so formidable, are accustomed to exercise it only after rigorous inquiry, and after a full and fair hearing of whatever is offered by the accused, in defence or justification. They cannot be presumed to have done otherwise. The importance of their trust implies them to be men

of liberal education, high position, and scrupulous regard for the rights of others, free from prejudice, and disposed to err rather on the side of excessive caution, when, in the exercise of their irresponsible power, they are called upon to impose a public censure.

When their power has been exercised, every presumption is against their having omitted any step required to make its exercise just. At all events, it is not to be supposed that the person affected by their action was denied the fullest opportunity to vindicate himself from the charge on which it was founded. The mere fact, therefore, of a Professor's dismissal is naturally assumed to be equivalent to his condemnation by a charitable and lenient court, after a fair trial and a full defence, as unworthy of his office or incapable of performing its duties.

The sole object of this publication is to show that no such inference is to be drawn from the fact of my removal. If I can show that I was displaced without the form or semblance of trial or tangible accusation; that my removal was sought and effected because I could not and would not witness, without making an effort to correct, abuses which must, sooner or later, prove fatal to any institution in which they are tolerated; that I challenged the fullest investigation into any charge that might be brought against me, and urged upon the Council that, for the interests of the University, if not in justice to myself, they should not act without inquiry, my object will be attained.

I shall seek to do so, by stating facts about which there can be no dispute. And I beg that any person who may consider himself aggrieved or annoyed by any of my statements, will remember that I make them in self-defence, and with all possible reluctance, and that I have now no other way of vindicating myself.

An outline of my course as an officer of the University will be found in a letter submitted by me to the Council, dated April 2d, 1851, and forming part of this statement. That letter was unavoidably prepared in great haste, and amid the labors and anxieties incident to my first examination of my classes, and of course with no expectation that it would ever be made public.

Endeavoring, while I now peruse it, to judge of its effect on a total stranger to the past history and present condition of the

Institution, I plainly see that, as it omits or takes for granted various facts known to the body to which it was addressed, it will be necessary for me, in this narrative, to go over, in part, the ground covered by that letter.

Avoiding then, as far as possible, repetition, the object which I shall steadily keep in view is to give such a statement of facts as will enable all who may feel an interest in the matter to form a correct judgment.

My connection with the University began in June last. It was not at that time in a prosperous or flourishing state. Its financial prospects were especially gloomy, as it was without endowment and pressed down by debt. The interest on that debt, and the current expenses were defrayed by the diploma fees of the Medical College connected with it, by the rents of the University building, the greater part of which is hired out for offices, lodging-rooms, the storage of furniture, &c., and by the income derived (during the present academic year, at least) from some twenty-nine paying undergraduates. The residue of its students were attached to free scholarships, in the gift of the original shareholders or subscribers to the Institution.

The office of Chancellor was vacant, and its appropriate duties were understood to be performed by the Faculty. That body met once a week, to receive the reports of its members as to the condition of their classes.

The condition of the University as to discipline I have endeavored to describe in the letter to the Council, above referred to. That description is correct as far as it goes, but is far from doing full justice to its subject. I looked for some code defining the rights and duties of students as recognised by the University, and was given to understand that its Executive Department was regulated on general principles, and that the administration of its discipline, though firm, was mild and paternal.* I applied myself

* "The discipline is conducted upon the principles of paternal government, as heretofore reported."—*Sixty-Third Annual Report of the Regents of the University of the State of New York, made to the Legislature, March 1, 1850. Page 61.*

to discover the fundamental idea of this paternal administration, and ascertained it practically to rest on a tacit system of mutual concession.

It appeared to be expected that a Professor should allow his classes to do what they pleased, and that they were to allow the Professor to do what he pleased. The latter was not to obtrude himself upon the class by insisting upon a too rigorous degree of attention to the lecture, and the class was not to interfere with the lecture by excessive noise or disturbance, unless in special moments of exhilaration or excitement. Whether it was an additional feature of the administration, that reports were never to be made, and whether a Professor making reports was understood to forfeit his privileges and immunities under the "paternal system," I am unable to state. But during my connection with the University, not a case of inattention, deficiency, or disorder was reported, *except by myself*.

I do not mean to cast a shadow of suspicion upon the perfect value and efficiency of the instructions given by my late colleagues, under these circumstances, in their several departments. I merely assert that a class cannot be taught the Greek language and literature under this "paternal system" in a manner reputable to their teacher, or with the slightest benefit to themselves. And being placed in my Professorship for the purpose of imparting to the undergraduates some acquaintance with that language and literature, I could not, without remonstrance, permit them, while in my lecture-room, to occupy themselves with various amusements and avocations, proper and becoming elsewhere, but quite foreign to the business in hand.

I attempted this grave innovation upon the "paternal system" under peculiar disadvantages. Within a day or two of my appointment, the selection of the Council was virtually deplored and censured by a meeting of the Alumni, on the ground that I was a graduate, not of the University, but of another Institution, (to wit—Columbia College,) and a resolution to that effect was published in the newspapers of the city.

Under these circumstances I suppose that I would have encountered some difficulty in carrying out even the "paternal sys-

tem." Convinced, however, that the progress made by a class in my department must be inappreciably small, as long as the business of the lecture-room was conducted on the basis of the tacit compact or compromise above alluded to, and distrusting my own judgment, I inquired as to the rules and usages of other Colleges and Universities, and found that in them free conversation among the members of a class, during the progress of a lecture, was universally discouraged, and that such practices as custom sanctioned in this Institution—the perusal of novels and penny newspapers, during a lecture, for instance, moving about the room without check, leaving it without permission, using it for the cultivation of vocal music, and converting it into a refectory, were considered liable to abuse, and detrimental to the progress of the classes.

The discipline of this University, then, appeared to be peculiar. Though the existence of these abuses, and the like, had long been notorious, it appeared to be nobody's business to call attention to them.

The theory on the subject, as I understood it, was, that the perfection of discipline consisted in the *minimum of its exercise*; a proposition which, if true at all, is not the whole truth. Perfect discipline consists in the minimum of its exercise only when united with the *maximum of good order*.

The condition of the University, tested by my own observation, and by what I knew to be the standard of its sister institutions, was not that of the maximum of good order. I was, therefore, compelled to regard the theory referred to measurably defective, when applied to the case before me. And being daily strengthened, by my own observation, in the conviction that Greek could not be taught on the system which my associates found sufficient in their departments, I proceeded, with all the gentleness and firmness in my power, to introduce into my own lecture-room regulations like those prevailing at Yale, Columbia, Harvard, and elsewhere, though less rigorous. They consisted merely in requiring, as a general rule, silence and attention while the classes were in the lecture-room.

But I soon found that I was becoming unpopular—that I was reported to be endeavoring to introduce "Columbia College

'discipline'—that the undergraduates of the University were not used to it, and would not bear it—that the students had turned out Professors who tried to interfere with them, and that they could and would do so again, if it became necessary or convenient—that I would soon lose the support of the Faculty—that the University could not afford to punish disorderly students, and so forth.

I succeeded, however, in obtaining from the classes conformity to the rules I laid down, though it was unwillingly conceded. Students used to the "paternal system," naturally find that which prevails in a well-regulated College oppressive and annoying. I think, however, that I am entitled to say that a degree of attention and order was established, which enabled me to make my instructions of some practical benefit. But the classes were uneasy and irritable, and cases of insubordination occurred, from time to time, such as it was proper and necessary to report to the Faculty for punishment.

It will be seen, by reference to the Letter to the Council, that I did accordingly report to the Faculty some cases of disorder and inattention. The Faculty went so far as to dismiss one student, and a friendly caution was then given me by one of their number against making further reports, and thereby running the risk of finding myself unsupported. "If, to support the authority of Professor Anthon," said one in authority, "the expulsion of six or eight students is necessary, the infliction of such an act of discipline would probably be followed by the departure of a whole class, which, in the present position of the University, would be to close its doors."

It certainly appeared to me that if this were so, it would be of advantage to the cause of good manners and sound learning that the University be shut up without delay; that an Academy which sustained its existence by declining to require its students to learn, was not of much public utility, and that, for a corporation to sustain itself in existence by repudiating the duties for which it was created, was, literally,

— Propter vitam vivendi perdere causas.

But I still believed that the Faculty, or, at least, the Council

would sustain me in the honest endeavor to make the performance of my duties creditable to the Institution. I was confident at all events, that if I could shew, by my semi-annual examination or otherwise, that the effects of the introduction of order were to be seen in the scholarship of the undergraduates, I might count thereafter on a cordial support.

I was unwilling, however, for the present, to repeat the experiment of asking the interference of the Faculty. I made no more reports, especially as the case of dismissal, to which I have referred, was quite sufficient to maintain the classes in subordination, at least until they began to suspect the real state of affairs, and to understand that another similar act of discipline was not likely soon to follow any report of mine.

But even then I managed to secure attention, and yet to repress disorder by personal remonstrance and otherwise, without asking for assistance from the Faculty.

On the 7th of January, a revolution was effected in the internal economy of the Institution, which made its financial condition a matter of increased importance to the members of the Faculty.

The Council assigned to the Faculty the University, its debts, property, and corporate privileges. The Faculty were to manage the property, make what they could from it, pay the current expenses, provide for the payment of the interest on the debt of the Institution, and divide the profits among themselves. From the action of the Council in my own case, it is evident that that body reserved to itself the power of removing Professors; but, beside that function, I understand them to retain, under the new organization, only the right of abstract existence, and of making that existence known by their interposition at great and critical junctures. The instrument by which the rights of Faculty and Council, under the new organization, were defined, will be found in Appendix A. Under this arrangement, the Professors ceased to be salaried officers, and became entitled, instead, to an official income, the amount of which depended on the receipts of the University from the fees of its undergraduates, and all other sources of profit. The Professors ceased, in short, to be anything more than partners in the business of instruction, hiring the

University building, and paying rent for it by gratuitous instruction to the students attached to scholarships, and making out of the establishment whatever they could earn from the undergraduates.

I may mention here, that when this proposition was placed in the hands of the Faculty, in the shape of what seemed to be a series of memoranda roughly drawn up, I took it for granted that it was meant as the heads or outline of a proposed reorganization, submitted to the Faculty, in order that, if approved by them, it might be put into form and its details settled. It did not occur to me that a matter of so much magnitude, which seemed at the first glance to conflict with some provisions of the act incorporating the University, and to involve the total abandonment by the Council, its legitimate guardians, of all the duties and responsibilities of their trust, was to be disposed of so summarily.* But knowing the subject to be in hands more competent than my own, I gave the proposition but little thought, and understanding generally that it had been adopted, took it for granted that I was comprehended under it, until I was informed some time afterwards that, as I had never formally acceded to the new organization, I was not a party to it; but was suspended somewhere, midway, between the Council above and the Professors below, in an anomalous and exceptional position.†

* See letter of Henry A. Cram, Esq., annexed to Appendix A.

† It was at a stated meeting of the Faculty, towards the end of February that I first became aware of the existence of such views as to my position. This meeting was held on that occasion in Professor Loomis's Lecture-room, Professor Henry's Lecture-room, the usual place of meeting, being in the hands of the painters, as were also the halls of the building.—I asked by whose authority this painting was done. My colleagues made no reply. I repeated the question, adding, "Was it by the authority of the Council or that of the Faculty?" Professor Johnson replied, "By that of the Faculty." I then asked how that authority had been expressed, as no resolution to that effect had been passed at any meeting of the Faculty. Professor Henry replied "that the individual assent of members of the Faculty had been obtained." I questioned the propriety of this mode of doing business and he replied "that the Faculty could legitimate it now." After observing that I thought it injudicious to paint the halls and lecture-rooms, and varnish the benches, &c., while the Institution was full of students, I said "that before incurring any new expenses, it

It will appear from my letter to the Council, that in January I was requested by two of my associates, professing to act on behalf of the Faculty, to resign, and that I declined doing so, both verbally and in writing. I warned them of the real cause of the difficulties of the Institution—namely, the notorious inefficiency of its discipline, and the belief, correct or incorrect, of its undergraduates, that its financial condition rendered the experiment of a reformation too hazardous to be attempted, and that any professor who sought to effect a change in that respect in his own department, would find that he was an unprofitable servant, and that his field of usefulness lay elsewhere.

The letter in which I declined acceding to that request will be found in Appendix B. It was never answered, nor was the request ever renewed by any member of the Faculty.

Coming as it did immediately after the adoption of the new organization, the real motive of this request is now sufficiently apparent. I was alleged to be unpopular with the students, and this unpopularity might diminish the profits of the partnership. I was seeking, in my own department, to introduce some approach to a reputable standard of discipline and order; and, in this attempt, I might be compelled to ask for action from the Faculty, which they could not decently refuse, and which might still farther reduce the gross receipts of the concern.

My associates having thus requested my resignation, and re-

would be no more than simple justice to apply whatever moneys then were in the treasury to the payment of the Professors' salaries, in the first instance; that although I had been connected with the University eight months, I had not as yet received the slightest remuneration for my services."

Professor Johnson then informed me that as I had not formally given in my adhesion to the new organization, the Faculty did not consider me as entitled to express any views on the subject; that as to my salary, I must apply to the Council for that. On my asking the members of the Council, severally, if such were their views, I understood Professor Loomis to assent to Professor Johnson's opinion. Professor Henry's reply was, "I never thought about you at all, sir; your position is an anomalous one." Professor Draper expressed himself as of the same opinion with Professor Henry. It was in consequence of this conversation that I addressed a letter to the Council, asking that provision be made for the payment of my salary, and signifying my assent to the new organization, an extract from which will be found at page 15.

ceived my answer to that request, proceeded, as I infer from what followed, to lay the grounds of complaint against me before individual members of the Council. What these grounds were, I did not know, and have never been able definitely to ascertain. A prominent member of the Council, however, Mr. Myndert Van Schaick, became in some way fully convinced of the truth and sufficiency of these statements, whatever they were, and of the consequent expediency of my resignation. Understanding such to be his opinion, I took the liberty of calling on that gentleman at his residence.

At this interview, Mr. Van Schaick, with every expression of kindness towards myself personally, requested and advised me to resign, for the reasons, (as I understood him,) that the students disapproved of my appointment—that this disapprobation would inevitably produce disorder—that this disorder would call for the infliction of discipline, and that the infliction of discipline might involve the dismissal of undergraduates, which would peril the success of the “new organization,” by diminishing the receipts of the Faculty.

With all possible deference to suggestions and advice entitled to so much respect as those of Mr. Van Schaick, I endeavored to satisfy him that he had been misinformed as to the facts on which I understood his views to be founded. Our interview terminated without my having been able to do so, but with the distinct assurance on my part, that I knew of no just grounds of complaint against myself, and that I made none against others, that my relations with the undergraduates were such that I expected no trouble or difficulty from that quarter, and that if difficulty should arise, the character of the University and justice to myself, as one of its officers, required that I should be supported in the reasonable exercise of authority. And I finally offered, that if I should find it necessary thereafter to ask the Faculty to exert their powers for the maintenance of order and the promotion of scholarship in my department, any loss thereby occasioned to the Faculty should fall wholly on my share or dividend of the profits of the Institution. This conversation led to the following letter from Mr. Van Schaick to my father, the Rev. Henry Anthon.

New York, Jan. 27, 1851.—(At night.)

REV. HENRY ANTHON, D.D.

My dear Sir—I cannot perceive from the conversation which I had with your son this evening, that either himself or the Professors are in fault. If your son understands the true grounds of the difficulty under which he labors, he properly attributes it to the dissatisfaction which exists in the class at the appointment of so young a professor from another institution. *A preceptor of advanced age, or a young fellow of their own kidney, with whom their sympathies would mingle, might prevent their ebullitions of passion.**

Suppose you give me your opinion, and draw up such a letter of resignation, as, having regard to the rights of all parties, may best protect the feelings, reputation, and future interests of your son. I will consider it carefully, and endeavor to place the affair in a position to meet your wishes, under the conviction that no other course is so free from the danger of an unfortunate termination of this most unhappy occurrence.

I could not pretend to word such a letter so as to hit the case in all its merits and important points; but if it says enough, and amply enough for your son's protection, and *nothing severe against any one*, a full, cordial, and satisfactory response may very naturally be expected from the Professors or from the Council, whichever may have the ultimate determination of the matter.

I am well convinced that I have indicated the true and safe course, and shall hope to hear from you at my office, No. 11, Nassau street, at 12 o'clock to-day, or at my house at 4 P.M.

With sincere esteem and regard, yours truly,

M. VAN SCHAICK.*

[Copy of Reply.]

Jan. 28, 1851.

M. VAN SCHAICK, Esq.,

My Dear Sir—I am truly happy to learn from your note, of the 27th, received this morning, that you cannot perceive from the conversation you had with my son, last evening, that he is "in fault," as it respects the state of matters in the University.

He has determined not to resign, and I approve of that determination.

Should the other Professors see fit to act further in this matter, and the result be a full investigation, I trust that justice will be done to all parties. My arrangements at six o'clock, I regret, will prevent me from calling to see you.

Very truly yours,

H. ANTHON.

Mr. Van Schaick's letter is inserted as being the best—indeed,

* The italics are my own.

the only evidence I am able to produce, of the nature and magnitude of the charges against me, in existence at the time it bears date. Having failed in every effort to obtain any formal or definite statement of these charges, at any stage of their progress, I naturally prize and desire to perpetuate, for my own protection, anything that bears the most distant resemblance to a specification of them; and I think I am warranted in saying that if my removal rested on no better grounds than the allegations of this letter, it will not seriously cloud my future prospects. "The atrocious crime of being a young man," which has been attributed to personages much more eminent than myself, I can neither "palliate nor deny;" but I trust that advancing years may yet lead me gradually up to the standard of dignity and courage which this letter marks out for my adoption. That I was not of advanced age, that I came from another Institution, and that my character presented insufficient analogies to that of the undergraduates, or some of them, are the points of objection it urges against me. Without questioning their accuracy or discussing their importance, I will only remark, that to abandon my Professorship because these constituted, in the judgment of "the class," grounds of "dissatisfaction" with me, would have been to sanction by another precedent the right, that seems to be claimed by the students of the University, of affirming or annulling, as a Council of Revision, the appointments made by the authorities recognised in its charter. I may add, that were it properly within the scope and object of this publication, I should urge upon the Council, with what little ability I possess, in consideration for the feelings and the credit of those whom they may hereafter nominate to Professorships, the propriety of obtaining from this Third Estate a ratification of their choice, and an approval of their nominee, before he is inducted into office. The Council should at least warn him that his rights will be only inchoate and his tenure precarious and defeasible, until he has obtained the requisite confirmation by his own skill and perseverance from this youthful Senate in Executive Session assembled. Should the Council omit both precautions, they assuredly ought, in charity, if not in justice, to the man they have exposed to so trying an ordeal, to exert all their influence and

authority to sustain him in passing it, and to spare him the humiliation of failure.

I am free to confess that I did not suppose that anything contained in Mr. Van Schaick's letter could form the foundation of any serious action. Supposing, therefore, that all questions were at last put to rest, by my omission to comply with his suggestion, and that my continuance in office had ceased to be a subject of discussion, I occupied myself with my duties, and for a time without interruption or unpleasant occurrence of any kind. But having learned, as I have stated, from my colleagues, that I was regarded as refusing to be a party to the new organization, I took the earliest opportunity of informing the Council of my willingness to stand on the same ground with the other members of the Faculty, stating at the same time that my delay in apprising them of my acquiescence was due entirely to the misapprehension on the subject which I have already mentioned.

* I said at the same time that I considered the new arrangement open to very serious objections. Had I given the subject

** Extract from letter above referred to, addressed to J. C. Green, Esq., President of the Council of N. Y. U. Feb. 28, 1851.*

In consequence, of my recent connection with the University, I felt myself less competent than my colleagues to decide at once upon the expediency or the practicability of the change in its organization. I felt, and still do feel convinced, that for a Collegiate Institution to be well administered, there should be an Executive Officer, specially charged with the general supervision and the maintenance of discipline. Experience, too, has shown that men of letters are not the best qualified for the management of business matters. In saying this I distinctly wish to be understood as by no means casting any reflections on the capabilities of my colleagues, but merely as expressing my own diffidence in my own qualifications; and, lastly, friends on whose judgment I place great reliance, entertained serious doubts as to the legality, under the Charter, of delegating to the Faculty the large powers conferred by the new organization. I supposed, however, that without any express assent on my part, the organization of the Institution had been changed, and that I was placed in the same position with the other members of the Faculty. I am now informed that I am in error in this respect, that my position remains unchanged, and that, without expressing an assent, I am not a party to the new arrangement.

While honestly admitting my preference for the former organization, I feel that it would be peculiarly unbecoming in me to throw any obstacle in the

more careful consideration, I should have positively declined to become a party to it, and I should have continued to occupy the office to which I had been appointed, on the terms of my original appointment.

In reply I was notified that a Committee had been appointed to confer with me on the subject of my communication, which had included an inquiry as to the time from which my official income was to be calculated.

I waited on the Committee* at the time specified, and, to my astonishment, was requested to resign by that Committee. I inquired whether it was authorised by the Council to make that request, and was told that no resolution to that effect had been adopted, but that the sentiment of the members of the Council appeared to be that it was desirable I should take that course.† I asked what charge or evidence against me had been laid before the Council. The only reply I could obtain was, that a strong impression existed among its members, that there was a want of harmony in the Faculty, and a feeling of dissatisfaction among the students, which made, or might make, my continuance in office an injury to the University. As this impression could not have been the result of any personal observation or examination by the Council (for which there had been no opportunity,) it could only be attributed to the influence and exertions of my associates, and I confess that I was astonished at the secrecy, energy, and perseverance with which they appeared to be laboring to procure my removal. Since the conversation with two of their number, in which I had been requested to resign, there had been no difficulty on the subject of discipline. Like them, I had made no

way of a fair trial of the new plan, sanctioned, as it appears to be, by the approbation of a large majority of the friends and officers of the Institution, or to stand out as a solitary exception to its operation. I think it proper, therefore, to adopt the same course which my colleagues have already done, and I accordingly signify to the Council, through you, my assent to and participation in the new organization of the department of Arts, Science, and Letters.

Very respectfully,

G. C. ANTHON.

* It consisted of Messrs. Suffern, Noyes, and Post. Mr. Suffern was not present at this interview.

† See Appendix D.

reports, and had not sought to diminish the profits of the Academic partnership, by asking the dismissal of a single student.

My classes were daily improving in good order and discipline. If it had been otherwise the Faculty could not have known it, for they never visited my lecture-room. The subject of our former conversation had not been alluded to in my presence. I supposed our relations to be entirely harmonious, yet it was plain that they were steadily and successfully engaged in privately injuring me in the opinion of members of the Council, by statements which they gave me no opportunity to meet.*

I at once determined not to yield to any such machinations, and informed the Committee† that I declined to yield to them, and should continue so to decline until these mysterious and indefinite statements should be put into a tangible form and fairly investigated.

I foresaw that, by some means or other, my connection with the University might soon be terminated, and thought it not unlikely that an effort would be made to procure my removal by the Council. But I took it for granted that, if I demanded of the Council an investigation into any facts that might be alleged to justify that step, the demand could not, in common jus-

* In regard to Prof. Draper, it is but just to say that I believe that gentleman to have participated in the proceedings against me with reluctance, and not to have personally endeavored to injure me in the opinions of members of the Council.

† W. B. Post, Esq.,

New York, March 7, 1851.

Sir—Please accept my thanks for your favor of the 6th instant. On mature reflection I find myself unable to reconcile the course suggested to me by yourself and Mr. Noyes, on Monday evening, with what appears to me to be due to myself. Will you, therefore, have the goodness to consider that proposition as declined by me?

I may add that I shall take into consideration any future proposition to the same effect, only if presented to me in the shape of a formal vote or resolution of the Council, requiring my resignation, and that I shall, in that case, demand a formal and public investigation of the various causes and circumstances which have led to the alleged want of harmony between myself and the other members of the Faculty.

Very respectfully, your obedient servant,

GEO. C. ANTHON.

tice or decency, be refused ; and I supposed, therefore, that by calmly awaiting the farther development of the movement against me, I should secure the opportunity of meeting my accusers, hearing their charge, and doing what I could to defend myself and protect my character. If I resigned, that opportunity was lost. I could never deny that my resignation was brought about by the existence of *some charge or some suspicion* against me ; and if I neglected to insist at the proper time that such charge or suspicion be reduced to some certain and definite shape, I gave license to all the powers of gossip, scandal, or malevolence, to attribute my resignation to any sufficient reason they might please to suggest.

I could not, however, but feel my situation to be embarrassing and painful. By my colleagues I had been informed that they no longer considered me as on an equal footing with themselves. So far, then, as they were concerned, I was already displaced. And that, so far as the Council was concerned, my trial had in a certain sense already commenced was apparent, for it was too plain that the Court, or some of its members, were already in possession of the charges, and what they assumed to be the evidence, and considered the case made out against me.

Whether members of the Council consulted the dignity of their station by consenting to become the private depositories of statements and insinuations against one of their officers, it is unnecessary to inquire. But these statements came from my associates in the Faculty, and were, in effect, as I inferred, that my lecture-room was disorderly, or that the students seemed to be dissatisfied with my deportment, or that my duties were, in some respect or other, imperfectly performed. Supposing all this to have been the truth, I would gladly learn how those who asserted it knew it to be true. They had no *personal* knowledge of the subject, for not a member of the Faculty had entered my lecture-room while I was engaged in my duties. I cannot but think that these gentlemen would have been justified in postponing their disagreeable duty of secret accusation, until they had found leisure to satisfy themselves, by the best evidence, as to the existence of any facts rendering that somewhat odious task imperative, and as to the extent of my inability to preserve order or command respect.

What may have been the evidence that sufficed to make this precaution superfluous, I cannot guess. I can scarcely suppose that men charged with the duty of maintaining a College in healthy discipline, would permit the conduct or the capacity of an associate to be criticised or censured by their students, in their presence, without rebuke, unless they actually wished to weaken his authority and undermine his position. But it is still less easy to believe that gentlemen filling their honorable station could have busied themselves in private to injure my character and effect my disgrace, with nothing better to justify them in their delicate and equivocal undertaking than the loose comments of thoughtless young men on the merits of a Professor accused of unpopularity.

In the absence of any precise or definite information as to the successive steps and processes by which the proper amount of evidence against me was laid before members of the Council, I can state only that the secret proceedings for my displacement did not again emerge into light until the 19th of March last. At a meeting held on the evening of that day, the Council took its first action on the subject.

The Resolution they adopted, and the paper to which it refers—being the first formal notice I received of the movement in progress against me—were, according to the copies served on me, as follows :

[Addressed—Professor G. C. Anthon, N. Y. University, 156 Second Avenue.]

Extract from the Minutes of a Meeting of the Council of the University of the City of New York, held March 19th, 1851.

Resolved—That in view of the Communication and Report upon the subject, and without intending to question the scholarship or character of Professor Anthon, in the opinion of this Council, the interests of the University require that a meeting of the Council be held on the second day of April next, at 7 P. M., to consider and act upon the question of his removal, and that the Secretary give due notice of such meeting, in pursuance of section 1st, chapter 8th of the Ordinances and By-Laws of the University : and that a copy of this Resolution and of the Communication of the Faculty now presented, be furnished to Professor Anthon, and that he be requested:

to make any representation to the Council in regard thereto, which he may think proper, at the said meeting.

JOHN T. JOHNSTON,

Secretary, *pro tem.*

[*Copy of the Communication of the Faculty, referred to in the Resolution.*]

TO THE COUNCIL OF THE UNIVERSITY OF THE CITY OF NEW YORK:

The undersigned were recently informed of the appointment of a Committee of the Council, at their last meeting in February, to confer with Professor Anthon, with a view to his resignation, and were, at the same time, desired to express their opinions on this subject.

For this purpose a Committee of our number called upon the Chairman of your Committee, and presented a statement of the difficulties and embarrassments which occasioned hesitation and delay, on our part, in accepting the new arrangement, to which statement allusion was made in the letter of Concurrence which we finally sent to the Committee of Conference.

Having understood that this statement has been embodied by your Committee in their Report to the Council, we leave it to speak for itself. It shows clearly the conviction which we then entertained, as well as the action which, in accordance with them, we adopted in the hope that Professor Anthon would, of his own accord, remove the difficulties.

We have subsequently entered upon the direction and management of the affairs of the University, without, in the mean time, seeing reason to change any of the conclusions previously stated. They remain, if possible, in even increased force. We see nothing before us but further embarrassment and only partial success, if not total failure in the continuance of the present connection. We submit the whole matter to the final decision of the Council.

NEW YORK UNIVERSITY,
March 14, 1851.

C. S. HENRY,
JNO. W. DRAPER,
ELIAS LOOMIS,
E. A. JOHNSON.

(*A Copy.*)

JOHN T. JOHNSTON,
Secretary, *pro tem.*

These papers were not served on me until Friday night, the 28th March, and I was thus deprived of about ten of the fourteen days allowed me by the Council to discover, at my peril, why they proposed to remove me, and to show cause why they should not.

I had reason to believe, however, by ten o'clock on the following morning, from the change in the demeanor of the classes, that *something* had occurred, and that the students did not expect my authority to endure much longer. In their co-ordinate capacity, as the Third Estate in this collegiate realm, they had got wind of the proceedings of the night before, and very naturally concluded that as my term of office was plainly coming to an end, no very strict enforcement of discipline was to be expected in my lecture-room, and no particular attention need thenceforth be paid to the Greek language or literature. Disorder and contumacy now burst forth.

I regret that I am obliged to refer in these terms to the undergraduates. It will no doubt be said on their behalf, that they labor under the serious disadvantage of being uncontrolled by ordinary academic discipline, and that young people of their age are not to be severely censured if they do not acquire habits of attention and subordination, for themselves, in an institution conducted on principles so paternal as those which guide the administration of the University of New York.

If students have it in their power to require the dismissal of any Professor to whom they may object as being too "young," an Alumnus of "another institution," or incapable of "sympathising with their ebullitions of passion," they soon become conscious of their strength, and are not to be spoken of too harshly, because they yield to the temptation of using it. If I am obliged to use such words as "insubordination" and "insolence" in connection with them, or some of their number, I do so because no other terms express the facts. I have to thank some of these gentlemen for gratifying indications of kind feeling, sympathy, and esteem, and I should be unreasonable if I allowed myself to remember against any of them acts of thoughtlessness and levity under such a defective system of government.

But, though I confess that I consider any system of government defective and radically wrong, which places the nominal authorities of a college in a state of practical subjection to its undergraduates, and which is founded on the theory that both Trustees and Faculty exist, in order to register and carry out the will of

the students, to be vaguely inferred from the indications of satisfaction or dissatisfaction their demeanor may furnish, I may be permitted to congratulate these young gentlemen on the manifestation which this case affords of the continued maintenance of their authority. It is their boast that three learned Professors have already been thrust from their chairs by the edicts of this youthful Assembly—I appear to be their fourth trophy. What further triumphs may still be in store for this young Democracy lies buried in the womb of time. Should their next essay towards a solution of the great problem of self-government result in their ejecting the Council itself from its high station, there is room to question whether even this achievement would be attended with serious detriment to the literary commonwealth; for we may reasonably infer from the doctrine already promulgated by authority which it must recognise as conclusive, that the perfection of government in this learned body will only be obtained when Council, Professors, and Students are all of the same “kidney.”

Having been informed, by common report, that the Council had taken the preliminary steps for my removal, I could easily account for the sudden eruption of rampant disorder which I have mentioned. It was not confined to my lecture-room, but pervaded the halls of the University.

I was not, however, disposed to surrender my authority in my own lecture-room, while I continued entitled to its possession, without exhausting the legitimate means of enforcing it. The paternal system was manifestly unequal to the emergency, and I accordingly reported four particularly flagrant cases of disorder and contumacy to the Faculty, by a very special statement in writing, and demanded action upon them. A general account of the proceedings of the Faculty, of which I provided myself at the time with full written memoranda, will be found in my letter to the Council. I shall repeat only so much of what is there stated as is necessary to preserve the connection of this narrative. But first, I may observe, that throughout the four days which these proceedings were made to occupy, I sought to have a full record of them preserved on the minutes of the Faculty or elsewhere, in order that if I was to be tried for “inability to enforce disci-

pline," I might appeal to it if necessary. With the same object I had taken the unusual step of making the reports in writing. But the majority of the Faculty objecting, in the happy phraseology of their Chairman, the Professor of Moral Philosophy, "to make their minutes a log-book," I was unable to obtain the adoption of this course.

Three of the students so reported having respectively admitted the facts charged, and offered no apology, excuse, petition for leniency, or promise of amendment, the Faculty pronounced judgment upon them, having no other available mode of acting on a plea of guilty to my written charge.* But the fourth made a frivolous defence, to the effect that when he was insolent to me he did not mean to be insolent, and that when he contumaciously disobeyed my direction to leave the lecture-room, he did not say he should disobey it, and the like. This case (of which a full statement will be found in appendix E) the Faculty found to be one of difficulty. They had some question as to the disposition they ought to make of it, and finally, after a long series of profound doubts, they adjudged the offending student to be admonished. Immediately upon the vote which resulted in this weighty adjudication, and while the facts on which they had undergone so severe a mental exercise, were fresh in their memories, I read over to these gentlemen, without comment, a statement of the charge, the testimony, and the defence, and requested that it might be corrected, or enlarged, if necessary, so as to conform to their recollection of the facts, and preserved for future reference.

But the Faculty repudiated, with some appearance of displea-

* This punishment consisted in the suspension of one student, without specifying any particular duration for his suspension; and the suspension of two others for one month. As three weeks of that month were taken up by the semi-annual examination, and the fortnight recess which follows it, the punishment was not Draconian.

The offences were (among other things,) a positive refusal to obey a direction given by me, the open instigation of a class to gross disorder, and a "motion that the class leave the room," because a student was directed to leave it; all done insolently, and with the manifest intention of defying authority which was considered not likely to be upheld by the Faculty, and already virtually at an end.

sure, a proposition that they should commit themselves to any statement of their decision, and the facts on which it was based.

They knew me to be threatened with a removal from my post, and they knew that I sought to obtain this statement only in order that, without the risk of mistake or dispute as to facts, I might, at the proper time, fairly raise before the proper tribunal the question whether I, at all events, was not fulfilling my duty to the Institution. The spirit of frank dealing that prevails between gentlemen, and the readiness with which men who have nothing to conceal commonly avow and stand by their own deliberate actions, seemed to me a sufficient assurance that my proposition would be met in the spirit in which it was made, and acted upon for our mutual protection. But the result showed that I was mistaken, and that my late associates did not even take into account that their refusal might be thought to point directly to the inference that they were ashamed, as men, and as governors of a seat of learning, to admit how timid, nerveless, and unworthy of themselves, was all they had dared to do in support of the rights of a colleague, in maintenance of their own claims to respect, and in the restraint and government of those who had been placed under them to be educated, not only in science and in letters, but in the duties of self-control and of submission to authority.

The few remaining days of the session, and of my official life, were calm and peaceful. The undergraduates subsided once more into a state of attention, quiet, and good order the moment it was known that my reports were before the Faculty, and that the Faculty could not avoid taking some action on them.

On the 28th of March, I received, as I have already mentioned, my first distinct notice of the proceedings that had been so long maturing.

The semi-annual examination of the classes in the University commenced on Monday, March 31st. The Greek examinations were to take place on Tuesday and Wednesday. This being my first examination, I made enquiry as to the hour when it was to commence, according to the practice of the University. I was told by one of my colleagues, that the practice was for the classes to be examined by each Professor, in the order in which they had,

during the term, attended his Lectures. It will appear, from what follows, that I understood his meaning to be that the Sophomore Class, for example, with which I was to commence, would attend me for examination at 12 o'clock, the hour at which it had attended me during the Session. This information was given to me on Monday, March 31st, and on the evening of that day I addressed letters to some twelve or fifteen members of the Council, informing them that my examination would commence at 12 o'clock on Tuesday, and inviting their attendance.

On Tuesday morning, while in my lecture-room, and in the presence of several undergraduates, a member of the Faculty (the Rev. Dr. Caleb S. Henry,) informed me that I was expected to begin my examination at 10 o'clock, and that that hour having arrived, I had better commence forthwith.

In reply, I said, that as this class (the Sophomore) had during the Session attended my lectures daily at 12 o'clock, I had supposed that their examination was to commence at that hour—that there was evidently a misunderstanding somewhere—but that a little delay would produce no inconvenience, and did no tinterfere with any other arrangements that had been made, and as I had invited certain members of the Council to be present, who would doubtless think themselves unceremoniously treated if I commenced my examination before 12 o'clock, (the time specified in my invitation,) I should prefer waiting until that hour arrived.

This intimation of what I had done, converted a matter seemingly so trivial into a momentous collision of authorities.

My course was denounced in the presence of a class as "extraordinary," "unusual," and an "innovation." As, however, I was firm, my colleague left my room, but almost immediately returned, and informed me that another member of the Faculty, [Dr. Draper,] united with him in requiring me to commence forthwith. I went to that gentleman's lecture-room, who suspended the examination of the senior class, in which he was engaged, and repeated the request. I again declined compliance for the same reasons. A third member of the Faculty, [Professor Loomis,] shortly afterwards made the same request, and received the same answer.

Dr. Henry now entered the room and repeated his request

putting it to me the more strongly on the ground that the Sophomores, left to themselves, would be disorderly. I again objected, on the ground that it would be taking too great a liberty with the members of the Council whom I had invited. I now thought that the matter was at last at an end, but my indomitable colleague once more returned to the attack. In about five minutes he renewed his *command*, informing me that it was the opinion of my associates that I ought to be MADE to go on with my examination.

As this took place in the presence of a class, it may illustrate the disposition displayed by my associates to strengthen my position and add to my claims to respect in the eyes of the undergraduates.

How the question whether I should examine a class in Euripides at ten o'clock, or twelve, came to be of magnitude enough so to disturb the serenity of my colleagues, is still a mystery to me—but whatever was the real cause of uneasiness, the examination in my department was attended by a few members of the Council, and I have been informed that it was, in their judgment, not discreditable to the scholarship of the students, and compared not unfavorably with other examinations held under circumstances less disadvantageous than mine.

On the receipt by me of a copy of the Resolution of the Council, I forthwith commenced the communication to them which that resolution seemed to require. A merciful Council had given me two weeks to prepare this communication, but the Secretary, *pro tem.* John T. Johnston, Esq., allowed ten days of these two weeks to pass by before he notified me of the action of that body.*

* As day after day passed on, and I received no notice of the Resolution, which I understood the Council to have adopted, I concluded that the matter had been informally passed over and dropped. A relative, however, who had heard of the action that had been taken, wrote (without my knowledge) to a member of the Council, inquiring, with some earnestness of tone, what charges had been made against me, and whether I should be allowed to exhibit counter charges, if necessary. This was followed, within a day or two, by service on me of the papers. Whether in the absence of that letter I should have received them at all, is best known to the Secretary, *pro tem.*, Mr. Johnston. The letter was as follows:

Dear Sir—Can you furnish me with a copy of the charges against my nephew, Professor Anthon? Can you also inform me whether he can be heard by counsel? and also, whether, in order to have a thorough investigation, and

If his delay in furnishing me with a copy of the Resolution was the result of forgetfulness, he owed it to all parties to avow his oversight. But, if his delay could not be so excused, what, in the sacred name of Justice, is the epithet that I ought to apply to such treatment?

It is stated that, when the original resolution was adopted, and Mr. Johnston directed to notify me of its passage, it was strongly urged by members of the Council that fourteen days was an unreasonably short time for me to do what was necessary, and that I ought to be allowed a month. In any event, the course adopted by the Secretary of the Council in the premises, was as extraordinary as that of the Council itself will be found to have been.

My first intention was merely to acknowledge the receipt of the Resolution—to state that I was ignorant of the charges against me, but desired to meet any that might exist, and to request an opportunity of doing so.

But I thought it better to lay before the Council, in addition, facts sufficient to show affirmatively what I had done to overcome the peculiar difficulties of my position, and whence those difficulties had proceeded.

The following is a copy of that communication:—

“ To the Council of the University of the City of New York.

“ GENTLEMEN,—

“ On Friday evening, the 28th of March last, I received a copy of a Resolution adopted by your body, on the 19th of that month, to the effect that a meeting of the Council be called for the 2d day of April, to take into consideration my removal from the

see whether the fault is with him or his associate Professors, he will be allowed to file counter charges?”

I make this inquiry, at this time, amicably, intending, however, to place his case in that position that it may come regularly before the Regents. I do this, because I am strongly inclined to believe that when Mr. Anthon unfortunately connected himself with your Institution, it had already received its death-blow in the matter of discipline.

Yours truly,

JNO. ANTHON.

25th March, 1851.

C. BUTLER, Esq.

“ Professorship of Greek in the University ; that a copy of that Resolution, and also of a paper signed by certain members of the Faculty, and therein referred to, be served on me, and that I be requested to make any communication to the Council in regard thereto at such meeting, as I should think proper.

“ As the Resolution appears to contemplate some action on my part, and as the matter in question is of importance to myself, I must be permitted to express my regret that I was not sooner furnished with copies of these papers, and that only four days have been allowed me for deliberation and action on the subject.

“ This is especially unfortunate, as I am unable, after careful examination of these papers, to ascertain, with certainty, the object for which the Council directed them to be served upon me.

“ The most probable construction of the proceeding would, at first, seem to be that the Council, having been led to consider me, for some reason, unfit for my office, have resolved to take my removal from it into consideration, and that I am notified of their intention so to do, in order that I may present to them some sufficient reason for my being continued in my present charge.

“ But I respectfully ask the Council to observe the most embarrassing and anomalous position in which I am placed by this proceeding, if such is intended to be its effect.

“ I am notified that in four days the Council will proceed to determine whether I shall be condemned as unfit for office, and shall be displaced and degraded from it, and am called upon to shew cause why I should not be convicted of an unknown charge, and disgraced on grounds, the truth or sufficiency of which I cannot dispute, because I am not informed of them.

“ The papers served on me hint obscurely at the existence of an accusation, but throw no light on its source, its nature, or its evidence. Neither charge, nor accuser, nor even the tangible assertion of the existence of any charge, appear upon them ; and thus it becomes necessary for me (if this view of the purpose of the Council be correct) to defend myself against the shadow of an hypothetical indictment, which I cannot meet, which charges me with nothing, which commits its authors to nothing, for which I can hold no one responsible, but which I must repel, as best I may, with a ruined character and blighted prospects before me if I am defeated.

“ Nor would it be possible for me ever to repair the injury. After
 “ a disgraceful expulsion from my post, I may fancy that I have dis-
 “ covered the grounds of my condemnation ; I may be able to de-
 “ monstrate that they were erroneous ; and, even while I congratu-
 “ late myself on having vindicated my reputation, at least with the
 “ public or with my friends, I may be again silenced and crushed by
 “ the unanswerable statement of my unknown accuser—‘ You are
 “ mistaken ; you were not dismissed for that cause, but for some
 “ other. We are not bound to tell you for what ; it may have been
 “ for ignorance, or for immorality, or for any gross delinquency which
 “ your imagination, or that of your enemies can suggest.’

“ Were it possible that the Council could contemplate the injus-
 “ tice of condemning an officer of the University unheard, upon an
 “ *ex parte* statement, they would certainly have tempered the wrong
 “ by condemning without notice. They would not then enable the
 “ accuser to proclaim, with truth, that the accused had notice of his
 “ trial, and, at the same time, deprive the accused of all benefit of
 “ that notice, by omitting to inform him for what he was to be tried,
 “ and to allow him to answer the evidence produced against him.

“ But I am bound to presume that the Council do not propose to
 “ decide this question (whatever it may be) without notifying me,
 “ the party so deeply interested in its decision, what the question is,
 “ and on what evidence it is to be determined. I do not suppose
 “ that gentlemen, entrusted with the government of a seat of learn-
 “ ing in the City of New York, can be induced, by any consideration
 “ whatever, to condemn and degrade a member of a liberal profes-
 “ sion, who has, at their invitation, put himself under their control,
 “ without granting him an investigation and an hearing on equal terms
 “ with his accusers.

“ I must, therefore, take it for granted that, by the Resolution of
 “ the 19th, the Council intended to notify me that charges of some
 “ kind had been, or were about to be, presented against me, and to
 “ ascertain whether I was disposed to evade them by resigning, or
 “ submit to an enquiry into their truth.

“ Whatever these charges shall prove to be, I beg most respectf-
 “ ly to assure the Council that I have no wish to avoid them, that I
 “ do not doubt my ability to meet them, and that I, of course, ex-
 “ pect, upon their investigation, the privilege to which law and natu-

“ral justice entitle every man who is made a party to the most trifling controversy.

“It is, perhaps, unnecessary for me to add anything to what I have said, but as it may be convenient that the Council, before settling the formal details of the investigation, should be apprised of its probable course and nature, I beg leave to occupy their attention a few moments longer.

“I am informed that statements have recently been made by gentlemen connected with the University, to the effect, in substance, that I do not enforce discipline among the students under my charge, or that I am unable to do so. I have heard of no specific facts being put forward in support of this general allegation, nor do I know, with any certainty, that such a charge is to be formally made against me. But, so far as I can form an opinion on the subject, I think it probable that any charge against me, which may have been, or may be, presented to the Council, will be found to take some such form as that to which I have just alluded.

“It may not, therefore, be improper for me to state to the Council an outline of my course in regard to the discipline of the Institution, since my connection with it began. The Council will then readily perceive what will be my answer to any charge connected with the discipline of the University, and what course its investigation is likely to take. And it may, in any event, not be amiss that the Council be made aware of difficulties which have, in my judgment, seriously impaired the usefulness of the Institution, and which I have only recently succeeded in overcoming within the immediate sphere of my own duties.

“When I was honored with my appointment in June last, I was warned, by those who best knew the actual condition of the Institution, that I should not find my position an easy one, and that discipline, as the term is commonly understood in Colleges and Universities, did not exist there. I soon found that the statement was not exaggerated. Classes boasted of having turned out Professors, and of their ability to do so again; students came and went to and from their lecture-rooms at their own will, without remark or remonstrance; when in their lecture-rooms they considered themselves entitled, by usage, to do what they pleased, and as they pleased—to gather round the stove, or to occupy their seats, to carry on a conversation among themselves, to read what they liked, to listen

“ to their Professor, or to vary the monotony of the lecture by friendly trials of strength and activity, as the fancy of the moment dictated. The few who were desirous of attending to the proper business of the room, did so as best they could; the many who were not desirous of attending, did not attend; and the students appeared to labor under the idea that it was not becoming in a Professor to do more than hint delicately at the advantages of attention. Gross violations of discipline, such as are elsewhere followed by the dismissal of a class, if the actual offenders cannot be identified, were common everywhere, and were passed over without notice. I charge no person with being responsible for this state of disorder. It had probably sprung up by degrees, and seemed to be regarded as a necessary and incurable evil.

“ In my own lecture-room I required and soon obtained, on the whole, a tolerable degree of decency and order, though the unfortunate action of a meeting of the Alumni, held shortly after my appointment, deploring the omission of the Council to fill the vacant Professorship with an Alumnus of the Institution, doubtless increased the difficulties I had to encounter. Still a few isolated cases of disorder occurred, which I felt it my duty to report to the Faculty. But they soon received them with dissatisfaction, and acted upon them with apparent reluctance. The standard of discipline, which the Faculty themselves seemed to regard as sufficient, certainly varied from my own. And I was soon significantly informed that there was a limit to their endurance, and that the time might come when they would decline to support a Professor whose classes required their interposition. The cases reported by me were too clear, and their character too evident, to allow of their being passed over without punishment. But my associates seemed to apprehend that the students would consider as a vexatious and uncomfortable innovator upon the usages of the Institution, any Professor who should rigidly require his class, while in the lecture-room, to give some semblance of attention to the lecture, and, at any rate, that the indolent and careless student should not interfere with the honest endeavors of those who wished to learn. I even had reason to believe that I was looked upon as a projector of novelties that disturbed the peace of the meetings of the Faculty, though they might promote the quiet of the lecture-room.

“ My position now became one of no small delicacy and embar-

“rassment. My duty to the University and to the young men, a part of whose education it had placed in my hands, forbade me to adopt the course indicated by the Faculty, a course which would have led to the abandonment of the ground I had gained, and rendered, I felt persuaded, the thorough performance of my duties impossible.

“I could not, without the consciousness of a daily fraud upon the University, the public, my students, and their friends, consent to make my lecture-room the scene of a farce, in which the Professor went through the form of explaining and illustrating to students whose attention he had no authority to ask; or voluntarily abandon, what is generally understood to be the right and duty of Professors and Tutors in all Colleges and Universities, the suppression of whatever may plainly be inconsistent with the faithful discharge of their duty.

“On the other hand, if I reported to the Faculty any cases that might occur, I ran the risk of being placed in a position that would make the future enforcement of discipline by me an impossibility.

“I therefore determined to make no more Reports, at least for a time, and to conquer such disorders as might occur by private appeals to the good sense and feeling of the offender, and, in extreme cases, by advising with their parents or guardians.

“In this course I succeeded as fully as I had expected. Flagrant and gross disorder was repressed,—in part, no doubt, by the memory of the recent action of the Faculty. The discipline of my room became as good as it could be, considering the difficulties of my position. One class, in particular, which had gained a very special character for insubordination, prior to my appointment, became and has continued to be, according to the standard of discipline recognised in the University, comparatively unexceptionable in its conduct.

“On the whole, I found myself well satisfied with the result of the course I had taken, especially considering that I was, practically, without the support or countenance of my associates, and obliged to rely solely on my own resources.

“I was, therefore, not a little surprised when, in January last, I was verbally requested by two of my associates to resign, on the alleged ground that I could not keep discipline in my classes. My reply was, in substance, that I could and did maintain it; that the alleged

“ disorders had long been at an end. They replied, in substance,
 “ that some disorders had lately occurred in the Hall which showed
 “ that the old spirit had returned. But, as none of my associates
 “ had deemed these disorders of sufficient importance to be reported
 “ to the Faculty or inquired into by them,—as the Hall was in charge,
 “ not of myself, but of the Janitor, and as I was, at all events,
 “ no more responsible than any other member of the Faculty for
 “ disorders committed in that part of the building, I denied that
 “ these disorders had any bearing upon the question of my ability to
 “ enforce discipline. I told my colleagues that the Institution had
 “ suffered and was suffering for want of some central authority that
 “ was willing to administer a wholesome discipline—that it was a
 “ short-sighted economy to connive at disorders for the sake of keep-
 “ ing up the number of paying students,—that that number would be
 “ doubled if it were understood that the University maintained within
 “ its walls that good order without which there can be no scholarship—
 “ that I would not resign and thereby expose myself to the charge
 “ of utter instability of character,—that I was confident in my ability
 “ to maintain order, and that, if I should fail in so doing, I considered
 “ that the responsibility of failure would rest, at least, as much upon
 “ the Faculty, as upon myself. I shortly after communicated to the
 “ Faculty, in writing, my refusal to comply with their request. A
 “ copy of my letter, addressed to one of their number in January last
 “ and to which I have received no answer, is hereto annexed. I
 “ respectfully request that it be read.*

“ I continued the performance of my duties, upon the principles I
 “ have already mentioned, and without serious difficulty or disturb-
 “ ance. It is true that, as the notion began to prevail among the
 “ students that I was deprived of the support of the Faculty, and that
 “ certain of their number were anxious to force me to resign, I found
 “ myself obliged to exercise more vigilance and more decision in my
 “ dealings with the classes. How that impression was produced, by
 “ whom, and for what purpose, it may hereafter become proper to
 “ inquire. I am possessed of information which may, at the proper
 “ time, sufficiently illustrate the subject.

“ Matters continued in this state,—the classes in much better dis-
 “ cipline than I had, under the circumstances, any right to expect,

* See Appendix B.

“until the morning after the meeting of the Council at which the
 “resolution, apparently contemplating my removal, was passed.
 “From the sudden change that then occurred in the deportment of
 “two of the classes I have no doubt that they had become aware of
 “the new position in which I had been placed. Up to that time their
 “condition had been such as I have stated it to be. But on the
 “morning of the 20th signs of unaccustomed disturbance and inat-
 “tention were manifested, and several cases occurred of flagrant
 “insubordination. Four of these, admitting of no question, excuse,
 “or palliation, and such as are generally visited with instant dismissal,
 “I forthwith laid before the Faculty by a special Report in writing.
 “After what had occurred I did so reluctantly, but I could not do
 “otherwise without a breach of common fidelity to the duties of the
 “office I had undertaken to fill. The Faculty found it necessary to
 “deliberate for four days on these cases. The accused were called
 “upon for their defence. Three of them made none. As to these
 “three, therefore, the Faculty had but one course open to them, and
 “they accordingly proceeded to inflict upon them penalties, upon the
 “whole, inadequate, but above the lowest grade of academic discipline.

“The fourth case took a different course. The student, a member
 “of the Sophomore class, was among other things charged by me, in
 “writing, with having, in my presence and during his attendance
 “with his class in my lecture-room, deliberately and most insultingly
 “proceeded, in the presence of the Professor and the class, by the
 “help of a screwdriver to unscrew the lock from the lecture-room
 “door; with interrupting the business of the lecture-room after he
 “had left it by my direction; with forcibly preventing the door of the
 “lecture-room from being closed, when I requested another student
 “to close it so as to put a stop to this interruption; with finally
 “returning to the room and peremptorily refusing to leave it on being
 “directed by me to do so, and with displaying the utmost insolence
 “and contumacy of manner towards myself.

“The defence made by this young gentleman to this charge was
 “such as has been made by disorderly students, in all colleges, to
 “similar charges from time immemorial, and virtually admitted their
 “truth. ‘He had put the screwdriver,’ he said, ‘into the screws of
 “the lock and only playfully made the motions of unscrewing them.
 “He did not bring the screwdriver in the room, but happened to
 “find it there—after leaving the lecture-room he stationed himself at

“the door only for the laudable purpose of hearing the recitation—
 “he did not intentionally prevent the door being closed—his foot was
 “quite accidentally in such a position as to prevent its closing—he
 “did not mean to be insolent in what he said—when finally directed
 “to leave the room, he did not say he would not leave it, though he
 “did not go,’ and so on.

“I was desirous that a full and accurate record should exist of the
 “proceedings of the Faculty upon some report made by me, in order
 “that I might be embarrassed by no questions of fact, and might have
 “within my reach a statement, admitted to be correct, to which all
 “parties could appeal, in case the question should at any time arise,
 “who was to blame for any deficiency in the discipline of the Univer-
 “sity. I therefore took down in writing, with care and accuracy,
 “from the lips of the student, the defence he made, the questions put
 “to him, and his answers; and from this record prepared a statement
 “of every thing material which had been stated on the investigation,
 “of the views expressed by members of the Faculty, of the final dis-
 “position made by them of the case, and of the object with which
 “(as above stated) it had been prepared by me. The statement
 “concluded with a request to the Faculty that any error or omission
 “contained in it might be corrected or supplied, and that the paper
 “so amended might be filed for future reference. This paper was
 “read by me to the Faculty, as soon as their judgment on the case
 “in question had been rendered, and I moved that it be filed, and
 “verbally repeated my request that its errors, if any, be corrected
 “while the facts of the case were fresh in our memories. The Fa-
 “culty declined to file the paper. Its accuracy and completeness
 “were not disputed except as to a single expression which one of the
 “Faculty denied having made use of.

“This paper is now in my possession. The Council will perceive
 “that it is pertinent and may be of importance in the event of an
 “investigation, under competent authority, into the discipline of the
 “University.

“I may add that on the day after the Faculty commenced the
 “investigation of these cases, and as soon as the students became
 “aware that the Faculty would actually entertain any charges made
 “by me, the deportment of the whole body of students underwent a
 “change, as sudden as that which had occurred when they learned
 “that proceedings against me had commenced in the Council. Per-

“fect order reigned among them, and for the remaining four days of the session (a period generally found to be more fruitful in disturbance than any other,) I have scarcely had occasion to address a word of reproof or warning to a single student.

“Such were the beneficial effects of the first shadow of impending discipline, notwithstanding all the disadvantages under which the students well knew I was compelled to demand it. It is indeed deeply to be lamented, that a body of young men such as our present corps of undergraduates, of promising talents and generous dispositions, and intended hereafter for liberal pursuits and influential stations in life, should be deprived in great part, of the benefit of this most important period of their education, moral and mental, by any neglect or omission, on the part of those to whom that education is entrusted, to keep within reasonable bounds the thoughtlessness and high spirits that belong to young people.

“Of the internal movements of other lecture-rooms I know nothing by my own observation. But the Council will hear with some surprise that, since my connection with the University began, not a single case of disorder has been reported to the Faculty except by myself. If any one who hears this statement should suppose this fact to indicate that no such reports were necessary and that no disorder existed to report, I have only to ask that he will put the question to any Professor or Tutor of any College in existence; ‘What do you suppose to be the condition as to discipline of lecture-rooms from which, for six months, not a case of disorder is reported, especially if the students attending them are alleged to be grossly insubordinate in another lecture-room of the same Institution?’ and the farther question might also be put, ‘what will be the probable effect of such a state of things on the literary character and standing of the Institution?’

“I would also remark that the alleged disorders in my lecture-room, whatever may be their extent, have certainly occasioned no difficulty or embarrassment to my associates. The example cannot have been contagious; if we assume, (what their omission to make reports would seem to denote,) that their own lecture-rooms are quite free from disorder.

“But I shall insist, if it shall become necessary to answer any charges hereafter brought against me connected with the discipline of the Institution, that it now is and for three years past, if not

“longer, has been utterly nominal. I shall not consider myself pre-
 “cluded from so doing even by the Report transmitted to the Re-
 “gents of the University in January, 1850, in which it is remarked,
 “‘the conduct of the students during the past year was orderly and
 “diligent,’ and that ‘there was no serious case of disorder.’ The
 “unpleasant duty may arise of ascertaining the accuracy of that state-
 “ment. Cases of disorder are said to have occurred, during the
 “period referred to, sufficiently ‘serious’ to drive Professors from
 “their lecture-rooms and even to endanger the safety of the Univer-
 “sity building. I allude to these facts with no desire of attaching
 “blame to any person, but simply for the purpose of enabling the
 “Council to perceive the difficulties which a junior Professor, unsup-
 “ported by his associates, must encounter when first connected with
 “an institution where insubordination has existed for years without
 “control or adequate interference.

“The communication of the Faculty referred to in the Resolution
 “of the Council, and dated March 14th, 1851, contains nothing tan-
 “gible which I can answer. It refers to some former communication
 “from the Faculty to the Council, but, what communication that
 “was I am wholly ignorant. A copy of a paper (without date or
 “signatures) was handed me about a month since, by a member of
 “the Council, informally, as I understood, which I think it possible
 “may be the communication referred to. In that paper, the Faculty
 “(by whom I suppose it to have been written) informed the Council
 “that they had requested me to resign—that I had not done so—that
 “the writer or writers considered me unable to enforce discipline, and
 “thought it would be advantageous to the University that I should
 “be no longer connected with it. This paper contained no charge,
 “or attempt at specification of any charge against me, (unless some
 “loose and most unfounded assertion that I did not enforce discipline
 “can be considered such,) but was altogether vague and indefinite in
 “its terms and statements. And, as I have had no formal notice of
 “its existence, I suppose I need not farther refer to it. But, if such
 “paper is to be considered as in any sense a charge against me, I then
 “challenge my accusers to come forward and produce their proofs;
 “and I claim as a right, an act of the plainest justice, the opportunity
 “of being confronted with them and their witnesses, and of being
 “heard in my defence.

“In respect to the communication of the 14th, as far as it is intel-

“ligible to me, it states no reason for my removal but the vague
 “assertion of ‘probable embarrassment and total or partial failure,’
 “(for some unexplained reason) unless I shall be removed. I respect-
 “fully ask of the Council that they will understand me as denying
 “the truth of this statement also, and as demanding of course that
 “its correctness be investigated before they act upon it.

“My apology for having so long trespassed on the time of the
 “Council is, that in the short space of four days and amid the labors
 “incident to a semi-annual examination, it has been impossible for
 “me to prepare and condense this paper with the care I should
 “otherwise have bestowed upon it.

“In conclusion, I beg that the Council will distinctly understand
 “that, in answer to their Resolution of the 19th of March, I once
 “more respectfully deny the existence of any reason for my removal.

“That waiving for the present any right to question the just au-
 “thority of the Council to create or fill vacancies, without assigning
 “any reason for their action, or giving any notice to the party af-
 “fected by it, I nevertheless submit that, inasmuch as their Resolu-
 “tion of the 19th and its accompanying paper intimate the exist-
 “ence of some charge against me, of incompetency or want of quali-
 “fications, and inasmuch as the Council have virtually notified me
 “that such charge exists, and I have denied it, the Council cannot
 “properly take any farther steps in the matter, until the facts of the
 “case have been fully and fairly investigated, whatever it might have
 “been competent for them to do, in case they had decided on my
 “removal without alleging any ground therefor.

“That, being charged with nothing definite, I cannot yet be pre-
 “pared to make any defence, and that this paper, consequently, is
 “not intended by me as a full and formal defence, but is, among
 “other things, only a partial outline of my vindication against unjust
 “and most unmerited accusations, whenever any responsible accuser
 “shall undertake to present them in a tangible form.

“That, in case any charges shall be made against me, or in case
 “the Council consider themselves in possession of any facts which
 “may operate to my prejudice, if unexplained or uncontradicted, I
 “claim a full investigation of the subject, whatever it shall prove
 “to be.

“That, without intending to put myself upon any legal rights I
 “may possess, or asking that any technical or artificial form of pro-

“ceeding be observed, I claim that such investigation be based upon
 “some specific charge or statement—that it be proven—that I be al-
 “lowed to produce evidence in my own justification and defence—
 “and that I be fully heard, in person or otherwise, before the Coun-
 “cil take any action against me in the premises.

“I waive any reference to my legal rights, whatever they may be,
 “because I am persuaded that the Council need only to be reminded
 “of the manifest justice of what I ask, to comply with it to the full-
 “est extent.

“In case it shall turn out that this charge is one affecting my
 “scholarship or my personal character, I shall expect to be allowed
 “time and opportunity to produce, with all becoming modesty, such
 “evidence in support of either as my life and acquirements may ena-
 “ble me to furnish.

“But, if it shall be in any way connected with the discipline of the
 “Institution, or with the relations between myself and my associates,
 “I stand ready to prove, among other things—

“That the University has been, for a long period, notoriously
 “without adequate discipline, and was in that condition when I be-
 “came connected with it.

“That this state of things produced its natural effect upon its
 “standard of scholarship, and has seriously impaired its efficiency and
 “usefulness.

“That I have conscientiously endeavored to introduce within the
 “sphere of my own duties such a degree of order and discipline as is
 “considered indispensable in other Colleges and Universities.

“That I have been successful in doing so, notwithstanding the dis-
 “heartening want of sympathy and support with which I have been
 “obliged to struggle, and that, if now firmly sustained by the Coun-
 “cil, there is fair ground for belief that my associates themselves,
 “however earnestly they may have labored for my removal, will
 “speedily reconsider any opinion on the subject which they may have
 “hastily adopted, and will hereafter cordially unite with me in such
 “salutary measures of discipline as the good of the Institution re-
 “quires.

“That I am able to maintain, have maintained, and now do main-
 “tain, better discipline in my classes than has been known in the
 “University for years, and that, whatever temporary difficulties I at
 “first experienced, were due to causes for which I am not answerable.

“ Other material and pertinent facts are in my possession, which it
 “ might not be becoming in me to state, until I shall be compelled to
 “ do so in my own defence.

“ The Council will understand that there is no hostility or ill feel-
 “ ing on my part, towards my brother Professors, and that there is
 “ not, to my knowledge, any question now open between us. I wish
 “ to make no charges of any kind against them. With the general
 “ discipline of the Institution I am concerned only as an individual
 “ member of the body to which it is entrusted. For the discipline of
 “ the lecture-rooms of my associates, I claim not to be responsible ; I
 “ only ask that, in a frank and manly spirit, I may be allowed, with-
 “ out interference, to perform the duties of my own Professorship,
 “ and in such manner that they may be made of substantial benefit to
 “ the Institution ; and I now confidently rely on the support of its le-
 “ gitimate guardians in my endeavors so to do.

“ In their hands I now leave the whole subject, fully trusting that in
 “ disposing of it, they will dispense that measure of justice and fair
 “ dealing which is due not only to their own dignified station, but to
 “ one whose character and prospects may be so materially affected by
 “ their decision.

GEO. C. ANTHON.”

“ *Dated, New York, April 2d, 1851.*”

This letter was laid before the Council at their meeting on the evening of the 2nd of April—a meeting specially called to take into consideration the question of my removal.

It is impossible to say on what facts or on what or whose statements members of the Council had formed their individual opinions of me, my conduct in office, or my qualifications for it. But the Council as a body had no materials whatever before it on which to act but the papers it had called on me to answer, (viz. its resolution and the document appended to it) and the communication which I had made, and they had neither the right nor the power to look beyond these.

Though this proceeding, in which there were neither charges nor testimony, was in no sense a trial, the Council had treated it as such, and it was none the less judicial because they saw fit to dispense with the features that were necessary to make it just.

Being then in the exercise of a judicial duty, they were bound to fulfil it according to the fundamental principles that are and of necessity ever must be recognised and embodied in all the forms and processes whereby justice is decently and appropriately administered.

That the denial of the Respondent throws the burden of proof upon the prosecuting party, and that the judge can know nothing of the merits of the cause but what he learns from the allegations and the testimony, are among the more plainly self-evident of these principles.

The Council, therefore, had a case to dispose of which came before them on their Resolution and its accompanying "communication" from the Faculty and on my answer thereto, and there was nothing else to pass upon.

In this case, so before the Council, nothing definite appeared, but my readiness to meet any charge, and my denial that any could justly be made against me.

These papers having been read, a motion was made that I be removed from my post. To this resolution an amendment was offered, to the effect that the facts be investigated.

This amendment was, as I am informed, supported by the votes of the Rev. Dr. Spring, Luther Bradish, William Kent, James Brown, and William McMurray, Esqs.*

In the debate that ensued, it was urged by the gentlemen above named that upon the papers before the Council there was no alternative, and no discretion as to the course which must be taken. That being without charges and without evidence, the Council, if disposed to proceed farther with the matter, could not remove me without inquiry. That if common decency and fairness did not make this imperative, my offer to prove the toleration of disorder by the Faculty, and the undoubted existence of scandalous abuses dominant throughout the Institution, demanded an investigation,

* I feel a great satisfaction in having it in my power to state that the Rev. Dr. Dewitt, whose engagements compelled him to leave the meeting before the vote was taken, and the Rev. Dr. Phillips, who was unavoidably absent from the city, were both in favor of an investigation, previous to any action as to my removal.

and could not be silently passed over without adding a breach of trust to a deliberate denial of justice.

The soundness of these views, however, was assailed with much ingenuity and complete success by other members of the Council.

They insisted, as I understand, that the Council had the power to remove any officer of the University at its own mere pleasure, with or without proof. That as the Faculty expressed themselves desirous that I be condemned and displaced, it would manifestly promote the harmony of the Institution to comply with their wishes—that I might have resigned a month before and saved the Council the trouble of this discussion—that although I had not been actually notified of any charges against me, it was altogether probable that I knew all about them—that although I had had no opportunity of proving any thing in my own defence, it was very unlikely that I could have proved any thing material—that an investigation would be a tiresome and troublesome piece of business—could lead to no good result, and might produce bad feeling which was always to be deprecated—that although it could not exactly be said that any thing was proved or even any thing tangible alleged against me, yet that it was the duty of the Council to take a broad view of the whole subject and discard all mere forms and technicalities—that as the Professors had generously undertaken the whole management of the University and released the Council from all obligation to pay their salaries, it was but just for the Council to let them have their own way—that if I should suppose myself aggrieved and should bring my imaginary injuries before the public, the experience of the Council in every case of conflict with their Professors, had shown that the matter would soon be forgotten, and that if there was to be any trial at all, it would be better for all parties to postpone it till after judgment, when the questions that seemed to be raised could be discussed and disposed of in the calm spirit of philosophical inquiry, into abstract truth, unembarrassed by any inconvenient sympathies or by the consideration of any individual rights.

After these arguments the Court declined to enter into any investigation.

The question before the Council was divided, and the motion

for my removal being first taken up, was passed by the following vote.

For removal:

THOMAS SUFFERN,	WALDRON B. POST,
M. VAN SCHAICK,	REV. G. PECK,
JAMES SUYDAM,	A. C. KINGSLAND,
PAUL SPOFFORD,	W. C. NOYES,
W. W. CHESTER,	SHEPHERD KNAPP,
JOHN C. GREEN,	CHARLES BUTLER,
JOHN T. JOHNSTON, Jr.	

Against removal:

REV. DR. SPRING,	JAMES BROWN,
LUTHER BRADISH,	WILLIAM KENT,
WILLIAM McMURRAY.	

Having rendered judgment and ordered execution, the Council now felt at liberty to attend to the minor details of the case before them, and to dispose of any questions that might be more or less remotely connected with it. Among these was the motion for an investigation of the charges on which their judgment was founded, and the proper mode of conducting such an investigation so as to secure the rights of all parties.

But the consideration naturally suggested itself, that my academic life had ended, and that all proceedings in the premises were thereby abated. The Council, were, therefore, necessarily unable to proceed in the inquiries they had proposed to institute, laid the motion for an investigation on the table and adjourned the court.

Had I been consulted on the subject, I should have preferred that the motion should have been put to the vote and lost, and my case thus finally disposed of. I had the right to expect that after judgment and execution I would be charitably consigned to repose and oblivion.

The Resolution of the Council, of which I received an official copy the next morning forms an appropriate conclusion to this narrative.

New York, April 3d, 1851.

PROF. GEORGE C. ANTHON,
No. 156, 2d Avenue.

Sir—At a meeting of the Council of the University of the City of New York, held April 2d, 1851, a resolution, of which the following is a copy, was passed—the meeting was called and the resolution passed in pursuance of the requirements of Section 1st, chap. 8th, of the Ordinances and Bye-Laws of the University.

“*Resolved*—That in view of the communications of the Professors heretofore made, the Report of the Committee to confer with Professor Anthon, and the communications of the Professors and of Professor Anthon made this evening, and without intending to question the scholarship or character of Professor Anthon, that the relations of Professor Anthon to this Institution be and the same are hereby dissolved.”

The above is a true extract from the minutes.

JOHN T. JOHNSTON,
Secretary, *pro tem*.

Accompanying this document and under the same inclosure was a letter from John C. Green, Esq., the President of the Council. I publish this letter for the sole reason that it furnishes evidence that the reasons which the Council considered sufficient in my case to justify the severest punishment they can inflict on an unworthy officer, were not connected with my character, conduct, ability or qualifications.

New York, April 3d, 1851.

TO PROFESSOR GEORGE C. ANTHON,

Dear Sir—It becomes my duty to announce to you the adoption by the Council of the University, at its session last evening, of the Resolution of which the inclosed is an official copy. Your claims for salary will be promptly adjusted by the Committee of Finance, of which Mr. M. Van Schaick is Chairman.

It has not been the intention of the Council to call in question your scholarship or character, as the terms of the Resolution clearly show; and I feel gratified in expressing the belief that personally the members of the Council entertain towards you the most

friendly feelings, and would be happy to promote your professional views, on a field where the difficulties which have led to the severance of your late relations to the University do not exist.

I am, dear sir, your most ob't serv't,

JNO. C. GREEN,

President of the Council of the University.

Directly I received Mr. Johnston's letter, I addressed the following note to him:

New York, April, 3d, 1851.

Sir—Your communication of this date, enclosing a copy of a Resolution passed by the Council of the New York University, at their meeting last evening, has been received.

I wish you would furnish me, at your *earliest* convenience, with a copy of the communication of the same date, (referred to in the Resolution,) which was made by the Professors to the Council.

Your ob't. serv't.,

GEO. C. ANTHON.

JOHN T. JOHNSTON,

Sec. *pro tem.*, of the Council of the N. Y. University.

Mr. Johnston returned the following answer:

New York, April 3d, 1851.

Dear Sir—Your note of this date is received. Not having, as yet, returned the minutes and papers to the regular Secretary, it is in my power to furnish you the copy you request of the communication of the Faculty to the Council, made last evening, and it is hereto annexed.*

Though not personally acquainted with you, permit me to avail myself of this occasion to express to you the deep pain which, in common with the other members of the Council, I have felt at the late occurrences, and my sincere hope that in other and happier connections you may soon forget this unfortunate difficulty.

I remain very respectfully, &c.,

JOHN T. JOHNSTON.

PROF. GEO. C. ANTHON,

156, 2d Avenue.

* The copy of the communication of the Faculty, above referred to, will be found in Appendix F.

Thus ended a trial, into which, with a rare and curious felicity, the Court succeeded in crowding every conceivable form of injustice. A secret accusation—a private trial on hearsay evidence, secretly volunteered by the accusers, under the bias of a pecuniary interest in the result—a notice of trial to the accused, strangely compressed from 14 to 4 days by an officer of the Court—and a peremptory refusal to permit the accused to make defence, or to inquire at all into the subject—are features rarely united in the same proceeding. Examples for them appear to have been impartially selected from the history of all ages and conditions of men, in a most Catholic and expansive spirit of eclecticism.

Though the testimony was taken according to the usage of the brethren of St. Dominic, it was the Revolutionary Tribunals of Paris that furnished the precedent for declining to hear the defence, because the Court had been “sufficiently enlightened” by the prosecution, and Fouquier Tinville himself would have commended the promptitude with which the Council acted on this his favorite practice in criminal cases.

I should be much misunderstood if any feeling were attributed to me but that of relief at the severance of my connection with the University of New York. Every scholar and gentleman will at once perceive how far any connection with an institution so conducted, could be either agreeable or creditable. No just man can read this narrative without feeling that I have been dealt with most unkindly and unjustly, and that an arrogant majority has triumphed oppressively over the rights and feelings of an individual accidentally within their power. And I do not hesitate to aver that the secret and flagitious mode in which the proceeding against me has been conducted would lead to the prompt impeachment and certain condemnation of any judicial functionary who should venture on such an outrage. I have a right to protest, and I do now solemnly protest against any inference from the proceeding, injurious to my personal or professional character. Suddenly expelled from my post, denied all opportunity of making defence, and suffering all the ignominy in the power of the Council to inflict, I nevertheless confidently cherish the conviction that to myself the measure will prove harmless. It is not to be denied

that the individuals of the Council of an institution incorporated under the authority of the State, necessarily derive a certain factitious importance from their station in the minds of those who know them only as governors of a learned body, but, after what has passed, I insist that the sentence of the majority can have but little weight with those who calmly review the entire proceeding. In making this remark, I deem it proper to add that the Council is composed of elements widely differing and discordant; nor can I justly dismiss the subject without bearing honorable testimony to the stand made by the members of the minority.

To these gentlemen I should here express the strongest assurance of my gratitude for their exertions on behalf of one who is to nearly all of them a total stranger, did I not know that those exertions were prompted by no personal feeling towards myself, and sprang solely from a sense of what is due to a member of a liberal profession, and to a hatred of injustice towards any person, however insignificant.

Far be it from me needlessly to draw any invidious comparisons between them and the majority by which they were overborne; but that majority has not hesitated to inflict on me the greatest injury I could suffer at their hands. I am not disposed to analyse too critically the elements of which they consist, but as a mere matter of self-defence, and to disarm the severity of the blow which might otherwise mar my future prospects, I am compelled to call upon the public to judge how far many of the members of that majority are qualified either by education, taste, or any peculiar intellectual refinement, to pass any judgment on my literary or professional merits which might inflict upon me serious or lasting injury.

I have shown that I was treated with injustice. It may not be improper for me to go a step farther, and point to facts which may possibly have led to the commission of the wrong. I desire to know nothing of the motives which may have influenced my late associates in the course they adopted. I leave all who may read this statement to draw their own inferences on the subject.

The new organization went into effect on the 7th of January, 1851. The University as such ceased on that day to exist.

There was no longer in its place a seat of learning, with Trustees to administer its secular affairs, and Professors, enabled by a fixed income and an independent position, to devote all their faculties to the training of its undergraduates. The Trustees had renounced their trust. The Professors had formed a partnership in the trade or business of teaching. The University had rented to them, as tenants at will, the Academic building and its appurtenances. The Council, it is true, reserved to itself the right of resuming its functions at any time thereafter, but while the re-organization lasted, there were, for all practical purposes, no Council, no incorporated Institution, no Professors, and no undergraduates. There were gentlemen nominally officers of a corporation, but, in fact, partners in business, occupying a College building for their own purposes, until the body corporate, to which it belonged, should recover from the paralysis of its corporate functions. But these gentlemen could no longer style themselves Professors, except in the loose and popular sense in which the term has of late begun to be used. They had become joint proprietors of a High School; their vocation was to get scholars, and to retain them for four years; to secure custom and to keep it; and to make money by all lawful means out of a joint traffic in scholarship.

Their students were not undergraduates of a University, except in name; they were the pupils and patrons of the gentlemen who carried on the establishment. The relations between Professor and Student were essentially modified, for there was the fatal taint of trade to debase them. Members of "the Faculty," no longer met on an equal and honorable footing, the organs of an incorporated Institution, in fulfilling the purposes for which it had been created. Each was under the daily temptation to ask himself whether the other was bringing custom to the common mill, and fairly earning his share of the common profits—whether the business would not pay better if one partner or another could not be induced to "sign off," and leave his work to be performed, and his share of the partnership profits to be appropriated by his associates.

It is true that the compensation of each Professor had previously been subject to a slight increase or diminution, according to

the number of undergraduates, but there was now no fixed official income to fall back upon.

It is also true, that in many Universities, in this country and abroad, the official income of the Professor depends wholly on the fees of those who attend his lectures. But (without adverting to other considerations that make the cases essentially different, such, for instance, as the fact that the students in such Institutions are much more advanced than in this) Professors, supported by this species of compensation, are commonly charged with the duty of instruction alone. Matters of discipline, of finance, and the general administration of affairs are lodged in other hands. In the nature of things, no seat of learning can extinguish itself, and turn over to its Professors its duties, powers, income, and corporate rights, without converting those Professors, no matter how well qualified to teach, into mere joint proprietors of a money-making Academy, and depriving itself and them of all the peculiar efficiency, stability, and independence, for the sake of which Colleges and Universities commonly seek a charter and an endowment.

I state this without qualification or apology. I am not attacking my late associates, or seeking in any way to disparage them. I attack the *system*, as pregnant with inevitable debasement to all parties concerned in it. So long as human nature continues weak, and men yield insensibly to the promptings of interest, this system will tend to transmute into baser metal the Faculty of any College that may venture on the rash experiment of trying it. And if the Institution which indolently shuffles off on its Professors this unseemly burden of ill-assorted duties and uncongenial cares, is poor, and in debt, and struggling against embarrassments, if its paying students are few, and its discipline a farce, the transmutation will be speedy.

The Faculty will find that it has insensibly become their primary object to make their wares attractive and their business productive. Their "nature will be subdued to what it works in," and the ordinary maxims of the money-making trader will soon displace the dignity, high principle, and self-respect that should characterise the independent officer of a seat of learning.

Every private Academy is liable to these abuses, although

its Master or Principal is personally responsible to the world for all its Teachers and Ushers, and for the scholarship and discipline of those he undertakes to educate. But in a partnership establishment, like this, there is a divided responsibility, or none at all. The students are called students of a University supposed to be still in existence. The insubordination and negligence that are tolerated, because it would be inexpedient to check them, can always be attributed to some defective regulation of "the Institution," but the profits are the Professors'.

I deeply regret that I ever consented to become a party to an arrangement so degrading to the profession to which I belong. Yet I had no alternative between acceding to it, and exposing myself to the suspicion of having resigned my place because I was unable to perform its duties. And I shall always remember with much satisfaction, that as my reluctant adhesion was not accepted by the Council, or recognised by the firm—as I was consulted in none of its dealings, assumed none of its debts, and received none of its profits—I did not become, and never was a party to it in any manner, or for any period whatever.

But I must hasten to bring this statement to a close. I began it by saying that "if I could shew that I had been displaced without the form or semblance of trial or tangible accusation—that my removal was sought and effected because I could not and would not witness abuses that must sooner or later prove fatal to any Institution in which they are tolerated, and yet make no effort to correct them—that I challenged the fullest investigation into any charges that might be brought against me—and urged on the Council that, for the interests of the University, if not in justice to myself, they should not act without enquiry—my object would be attained."

These facts I claim to have established beyond dispute by this narrative, and its accompanying documents, and my object, the vindication of my character, I claim to have attained.

I have shown that I found the University without discipline; the nonchalant repose of students left to their own devices, and not tempted to flagrant disorder by interference with their own choice of occupations, proclaimed to be the "perfection of disci-

pline." I have shown that common honesty forbade my tolerating usages inconsistent with the faithful performance of my duties—that this exaction of quiet and attention from classes unaccustomed to so strict a rule produced disturbance in the lecture-room of the Professor from "Columbia College"—that I reported these disorders to the Faculty—that I received a caution against repeating so unusual a step—that I gave the Faculty no farther occasion of complaint against me, by troubling them with duties which they found it inexpedient to perform.

I have further shown that the Council virtually abdicated, on the 7th of January, 1851—that the Corporation then retired from business—and that (as frequently happens in the like cases) the late salaried agents of the Institution formed a partnership to continue the business at the same stand, and took an assignment from their late employers, of the building, its fixtures and appurtenances, and the good will of the concern—that the Professors accordingly renounced their salaries, and took possession of the University, (thenceforth existing only in name) to make out of it what money could be made, and to deal thereafter with their small but imperious and ill-regulated body of students, so as best to preserve their custom and make the business productive.

The first most obvious step towards increasing the annual dividend was to diminish its divisor. My duties had before been united with those of another Professorship, and could be again. I was a Professor of only a few months' standing, and could be easily dispensed with. Every rule of sound mercantile policy, therefore, recommended that I should go out of the firm, or rather that I should be omitted from the proposed partnership. I was said to be an unpopular man with the customers of the concern, for the reasons I have stated. I was said to ask more of the students than my associates required. Contrary to all the usages of the establishment, I had made reports, and had occasioned the dismissal of a student. I had already driven away one customer, and the course I thought it right to adopt might drive away more. The case was clear. I was not only an additional unit to the divisor of profits, but I might actually diminish the gross receipts. It was doubly desirable that I go.

I was requested to retire exactly one week after the new partnership had commenced its operations. I have mentioned the pretext under which the request was made—to wit: the unfounded assertion that I was “unable to preserve order,” and that “the old spirit,” which I had subdued, had “returned again,” because there had been a disturbance in the hall of the University, for which my associates were responsible to exactly the same extent with myself. My letter to Professor Draper, to which no answer was returned, is alone sufficient to shew that the pretext was both frivolous and unfounded, and the actual motive that prompted the request I leave all who read this statement to determine for themselves. I may add that if my associates had put their request to me to resign on any other ground but the pretext of incompetency, I would have instantly and cheerfully acceded to it.

I have further shewn that I refused to admit this alleged “inability,” by resigning my post, and that the partners in this Academic enterprise found themselves somewhat embarrassed by my refusal. The slovenly sketch of a new organization, under which they acted, was silent as to the authority by which a partner was to be removed, if inefficient or unprofitable. But mature reflection pointed to the Council as the proper instrument for this purpose.

“Dissatisfaction of the students,” was selected as the cheapest and most manageable charge that could be used against me—a position that could always be strengthened by the judicious withdrawal of sympathy and effective support from the person against whom it was made. And it appears that for various good reasons it was thought best that the Council be informally made acquainted with the charge, and satisfied of its truth.

In exactly one week after I had declined to accede to the wishes of the Faculty, one influential member of the Council, at least, was convinced that the interests of the University required me to resign; and within four weeks afterwards, a majority of the Council had been converted to the same opinion. I have stated the grounds on which this conviction avowedly rested. I recur to them again, because it appears that they

and none other formed the apology for the oppression and the summary injustice of my dismissal; and because I can shield myself from its disgrace only by showing distinctly what and how frivolous were its pretexts.

My removal was demanded by the Faculty, and was already informally agreed to by the Council, because "the class" was dissatisfied with me; and the dissatisfaction of "the class" was conceded to be just and reasonable, because I was a graduate "of another Institution," and was neither "of advanced age" nor "a young fellow of their own kidney, with whom their sympathies could mingle."

Neither Faculty nor Council could perceive that, under this state of facts, they had any course left but to rid the Institution, with all convenient dispatch, of whatever caused this ominous "dissatisfaction." I never believed, and do not now believe, and I explicitly deny, that it existed. If it did exist, it was due to the credit of the University that, before a Professor was displaced on grounds so contemptible, some effort should be made to support him, or rather to support the cause of law and order—the principles of submission to just authority, and subordination to wholesome rule, assailed through him, and sought to be made of no account in the eyes of young men in training for the duties of citizenship and active life by his degradation.

I have shown that serious abuses existed by prescriptive right in this debilitated Institution. I have stated, that for six months no member of the Faculty but myself reported a solitary case of disorder or deficiency; and from that one fact I leave every alumnus of every other College to draw his own conclusions as to the standard of scholarship and discipline in *this*.

I have shown my efforts to correct these abuses; the kind and degree of countenance those efforts received; and their prompt reaction on myself, in leading to instant exertions to procure my removal.

I now ask, whether the demand by the authorities of a College, that a Professor resign his post, because his students are said to be dissatisfied with the Institution at which he took his

degree, or disposed to prefer a preceptor of "their own kidney," be not of itself an unmistakeable symptom of abuses such as must prove, "sooner or later, fatal to any Institution in which they are tolerated?"

I might go farther, and ask, whether young men can be trained up to become good citizens, by encouraging them in such dissatisfaction resting on such grounds—by timidly surrendering to the first faint and doubtful sign of its alleged existence—by shrinking from the suppression of disorder said to be its fruit—and by appeasing it at last at the cost of justice?

I have established, by the clearest evidence, then, with what I was charged, and why I was at last condemned. I have illustrated the readiness of my late associates to uphold the cause of order and discipline by the record of a proceeding in which they virtually laid down the rule, that insolence and contumacy were to be treated as nominal offences, if the student accused of them would but take the trouble to offer an excuse however flimsy.

I have farther established, that, when I was at last notified that the Council was prepared to act upon the mass of secret calumny that had been accumulated against me, I denied the existence of any tangible charge, and the truth of any that could be made against me—that I courted the fullest inquiry—that I demanded it in justice to myself, and urged it for the interests of the University—and that the Council, in the plenitude of their irresponsible power, overruled my application, and proceeded dutifully to register what the Faculty told them was the decree of their students; at the same time certifying that, though they were compelled to remove me from my post, as unqualified for it, I was so unqualified only in some restricted and peculiar sense; and that the judges who had just convicted me of incompetency would personally "be happy to promote my professional views" by endorsing my "scholarship and character."!

But I will go still farther. Assuming that there *was* disaffection and dissatisfaction among the students—that there *was* more than the usual amount of disorder in my lecture-room—that I *was* less capable than my associates in getting on smoothly

with a class, without calling for the infliction of discipline in aid of my authority—and supposing these facts to have been fairly established against me—what was then the duty of the Council which but a few months before had put me in my place by a vote nearly unanimous?

It would, in such a case, have been their duty to uphold the discipline of the University, and maintain due subordination among its students—to announce that disorder was not to be permitted and law violated, because one of its officers was unpopular—to have postponed steps for his removal till more than *one* student at least had been dismissed in support of his authority*—to exhaust all reasonable means to uphold him—and, at all events, rather to resort to the utmost extremities of rigorous discipline, than hold out a tempting premium to anarchy, by declaring that if students are riotous, the sport shall be theirs, the punishment that of the Professor, whose room they may select to riot in. Let it be remembered that when the Council, on the 19th of March, ordered me to show cause why I should not be removed, but *one* student had been dismissed for these alleged disorders; and, therefore, supposing the information on which the Council acted to have been true, instead of being very far from the truth, that dignified body gave the sanction of its decision to these propositions:—

* During the period of my connection with the University of the City of New York, the junior class of the University of Michigan, with the exception of seven or eight of its members, was dismissed for the breach of a regulation requiring the students not to connect themselves with secret societies. And while these sheets are passing through the press, I learn from the newspapers that “difficulties” and “dissatisfaction” exist at Dickinson College, Pa., and that they have been met by *the dismissal of fourteen students*, and the suspension of others. Such are the notions of discipline that prevail elsewhere. Of course such a proceeding is always to be deprecated, but it is certain that no college can be efficient, or can long continue respectable, the officers of which are afraid to dismiss a whole class, if necessary. And neither scholarship nor good order are likely to be found in any body of undergraduates who are not most distinctly aware that such a power exists, and that it will be exercised, when circumstances require, without fear or favor, and without a trace of a single “paternal” regard for the financial hopes of the establishment.

That students are justly entitled to demand the expulsion of a Professor whenever they may see fit, and may always secure compliance with the demand.

That the expulsion of a Professor may be so obtained, because his students are dissatisfied with him on reasonable grounds—because they are dissatisfied with him on unreasonable grounds—or because they fear to forfeit this inestimable privilege by omitting to exercise it.

That such dissatisfaction will be presumed to be well founded—that such disorder will be ascribed to an incompetency on the part of the Professor to perform his duties, and that the sufficiency or truth of any grounds alleged for such dissatisfaction cannot properly be inquired into.

That such dissatisfaction and disorder, if not wholly and permanently subdued by the dismissal of *one* student, are to be held invincible while the cause of dissatisfaction exists, and must be cured only by its removal; or, in other words, that a college is bound to buy peace by sacrificing one Professor, rather than to maintain it at the risk of losing *two* undergraduates.

And, therefore, that each Professor must vie with his associates in conciliating the good will of this sovereign body, and omitting whatever may offend it; lest he become an object of dissatisfaction, and be cut off and degraded without inquiry defence, or appeal.

Such are the principles of academic government established by the Council of the University of the City of New York, and which it applied in my case to facts it assumed to be true, and refused me the opportunity of disproving. Such, on its own showing, is the perfection of discipline at which it aims; and such the health, vigor, and purity with which it professes to administer the trusts committed to it for the public welfare. I have been declared, by competent authority, an unfit person to be an officer of an Institution so conducted. I leave it to be decided by impartial judges whether such a declaration is a disgrace or an honor.

I believe that this narrative contains all that is requisite for my vindication—the only object which I had in view. But if,

in addition, it shall have the effect of calling attention to abuses and disorders that are fast destroying all the usefulness of what might be a most valuable and important institution, and shall thereby in any way promote their cure, I shall feel myself much more than repaid for any trouble, anxieties, or annoyances which my connexion with it may have caused me.

GEORGE C. ANTHON.

NEW-YORK, APRIL 17, 1851.



APPENDIX.

APPENDIX A.

EXTRACTS FROM THE MINUTES OF THE COUNCIL CONTAINING THE RE-
ORGANIZATION OF THE UNIVERSITY.

Resolved—That the Department of Literature, Science, and the Arts, shall be re-organised as follows :

Sec. 1.—The rents of the University building and dwelling-houses are appropriated, in the first place, to the payment of the interest on its debts, and to insurance, repairs, and necessary expenses.

Sec. 2.—Remuneration to the Professors, in the shape of salaries, to be discontinued ; and the Professors hereafter to depend for their income on the fees derived from tuition, and on the surplus revenues of the University.

Sec. 3.—The Faculty may apply to individuals holding free scholarships in perpetuity, for the purpose of procuring the relinquishment of as many of them as may be practicable.

Sec. 4.—As an equivalent for the free scholarships which may not be surrendered, apartments shall be furnished to the Faculty, in which their instructions may be given with the use of the apparatus and books belonging to the library, free of charge.

Sec. 5.—The management of the affairs of the Institution is entrusted to the Faculty, as the agents of the Council, instead of a Chancellor. For unity of purpose, and convenience of execution, the nomination of Professorships, (*sic.*) the establishing of new chairs, or the modification of old ones, are reposed in the Faculty ; the Council reserving to itself the power of rejecting or ratifying such changes, and of making all elections.

Sec. 6.—The Council further reserves to itself the power of changing, suspending, or abrogating this ordinance at its pleasure.

Sec. 7.—The operations of all the By-Laws of the University, inconsistent with the foregoing provisions, are hereby suspended.

Sec. 8.—The Faculty shall furnish the Council with a quarterly report of the usual operations and condition of the Institution; and shall furnish to each member of the Council a copy of the annual report of its literary and financial proceedings during the year, and of its condition and prospects; which shall be in print, and shall be directed to the houses of the members of the Council, through the post-office.

Resolved—That a Committee of three be appointed to carry these arrangements into effect, in conjunction with the Faculty; and to designate the apartments they are to occupy free of charge; and that the Committee make a report of their doings at the next meeting of the Council.

Resolved—That the above plan take effect from the commencement of the present academic year.

The Chair appointed as the Committee to communicate with the Professors :—

Messrs. M. VAN SCHAICK,
W. W. CHESTER,
J. T. JOHNSTON.

At a meeting of the Council of the University of the city of New York, held January 7, 1850, the foregoing resolutions, &c., were adopted.

W. B. MACLAY, Secretary.

LETTER OF HENRY A. CRAM, ESQ., REFERRED TO ON PAGE 10.

Dear Sir,—I have examined the scheme for the re-organization of the University, to be found in certain resolutions passed by the Council on the 1st day of January, 1851; and proceed, as you request, to give you my opinion upon its validity.

Many of its provisions are so vague, and so loosely drawn, that it is difficult to ascertain their precise meaning; but upon such construction as I think they bear, I have arrived at the following conclusions :—

I have no doubt that the general spirit of the scheme and some of its particular provisions are illegal.

The new plan proposes to take the general management of the affairs of the University from the Council (to whom the Act of Incorporation gave it,) and entrust it to the Faculty. This is the general spirit of the scheme, and is expressly provided for by the fifth section of the Resolution. The same section gives to the Faculty the power of "nomination of Professorships;"

reserving to the Council the power of making the election upon such nomination. It also gives to the Faculty the additional power of "establishing new chairs and modifying old ones;" reserving to the Council the power of rejecting and ratifying such changes. The resolution further places the whole income of the University at the disposition of the Faculty, to be divided among them as they see fit.

I have no doubt that all this is invalid and illegal.

All these powers are vested, either by the charter of the University or by the general statutes in reference to colleges, in another body; and it is well settled that where any power or authority is by the charter or by statute expressly vested in some particular Board, or Body, of a Corporation, that particular Board or Body cannot delegate the exercise of the power or authority to sub-agents; but the power or authority must be exercised by the Board themselves, or under their express directions, as in other cases of personal confidence and trust where judgment and discretion are required or relied on. Where the charter or the statute speaks upon such a subject, it must be strictly followed, or the act or appointment may be avoided. In these, as in all other cases, the terms of the charter or of the statute are overruling. The books are filled with authorities on this point.

The second section of the charter of the University provides that "the government and estate of the University shall be conducted and managed by a Council, composed of thirty-two shareholders, and the Mayor and four members of the Common Council for the time being."

The seventh section of the charter provides that no appointments to offices shall be made (except to supply vacancies in the Council) other than by an affirmative vote of seventeen members.

The thirteenth section provides that "the Council shall have power to appoint its own officers, and *all* the officers of the University, &c.

The general statutes in reference to colleges give to the Trustees of Colleges (who, in the case of the University, are the Council,) among other powers, the power to direct and prescribe the course of study and discipline to be observed in the college; the power to appoint a President; the power to appoint Professors and other officers; the power to ascertain and fix the salaries of the President, Professors, and other officers of the college; the power to sell, mortgage, let, and otherwise dispose of the property of the college, in such manner as they shall deem most conducive to the interest of the college.

It requires only a slight comparison of the sections of the charter and extracts from the general statutes I have above referred to, with the provisions of the resolutions I have above cited, to show how much the latter offends against the former.

Thus, by the charter and the statute, the government and estate of the University is to be conducted and managed by the Council. To a lawyer,

the proposition is monstrous, that, in the face of such a direction, the Council may delegate this trust as they have done, when they provide, in the language of the fifth section of their resolution, "The management of the affairs of the Institution is entrusted to the Faculty," &c. &c. ; and, by the other portions of the resolution, giving the Faculty the unlimited control of the income. Nor is the abuse of trust remedied by the reservation to the Council of the right of ratification or rejection of such changes as the Faculty may introduce. The charter and the statutes did not intend to limit the exercise of the judgment and discretion of the Council to such measures as the Faculty might propose : nor does the power of "abrogating the ordinance" give it any validity. Whether the ordinance was legal or illegal, the Council would have that power, and its reservation cannot convert an illegal into a legal provision.

As a farther illustration of the illegality of the new scheme, take the mode of appointment of new Professors, which seems to have been drawn up with some care, to avoid the objection of illegality. The fundamental law provides that they shall be appointed by the Council. (See sections 7 and 13 of Act of Incorporation.) Now, the Council have divided the act of appointment into two others—the act of nomination and the act of election. The former they have given to the Faculty : the latter they have reserved to themselves. But the act of nomination is a part of the act of appointment ; and the Council can no more delegate a part of this trust than they could the whole. The Courts have held a by-law of a corporation void which lessens the number of persons eligible to office by charter. (See Angell and Ames on Corporations, 344.) And does not this provision restrict the persons eligible to professorships by the Council to such as the Faculty may nominate ? So by-laws, merely altering the *mode* of election prescribed by charter, have been repeatedly held to be void ; and if the law has been thus strict in matters of mere form, it would not for a moment tolerate such a substantial departure from the directions of the Act of Incorporation.

I have not the time to point out as I might in detail, other illegal features of this scheme ; or to show how the whole of it conflicts with the spirit of the charter and the statutes referred to. Neither have I time to consider what would be the effect of action under these resolutions. It seems to me to open a fruitful source of litigation ; and there might be very grave questions raised, whether, the affairs of the University ceasing to be conducted under the Act of Incorporation, the individuals composing the Faculty would not cease to be protected by it ; or whether, their acts being illegal, they, taking all the profits of the enterprise, might not be considered by the law as co-partners in a private enterprise, and therefore liable for all the debts incurred ; or whether, if called upon to account for the rents and income of the Institution, received by them, the Faculty

could protect themselves, by an authority void in law, from a liability to account and refund to the legal representatives of the Corporators.

Upon these questions I do not presume to express an opinion. When they arise, as undoubtedly they will, it will be time enough to discuss them.

I will only add, that the duties assigned by an Act of Incorporation, are conditions annexed to the grant of the franchises conferred; and through neglect or abuse of its franchises, or of the duties assigned, a Corporation may forfeit its charter, as for conditions broken or a breach of trust: and I entertain no doubt that the re-organization of the University is such a breach of trust and abuse of franchises granted as will justify the interposition of the Attorney-General, in a proceeding to have the University dissolved, for a violation of its charter.

Very truly, yours,

HENRY A. CRAM.

TO PROFESSOR GEORGE C. ANTHON.

APPENDIX B.

LETTER OF PROFESSOR ANTHON TO PROFESSOR DRAPER.

New-York, January 20, 1851.

PROFESSOR DRAPER,

My dear Sir—At a stated meeting of the Faculty of the University of the city of New-York, held on the 13th inst., certain resolutions, recently adopted by the Council, were read. These resolutions evidently contemplate a radical change in the organization of the Department of Literature, Science, and the Arts, or, at least, in the position of such members of the Faculty as may conclude to enter into the new arrangement. The expediency of this change will, of course, be decided by each member of the Faculty in reference to his own particular case.

Having entered upon the duties of my professorship so recently as the 21st of June last, I feel myself less competent than my colleagues to decide at once on my own course, in reference to the proposed re-organization. Nor do I suppose it necessary that I should do so, as the proposal is addressed, not to the Faculty in its collective capacity, but to its members individually; and any delay on my part does not preclude yourself or any of my colleagues from acting at once as you may deem best.

When the terms of the proposed arrangement, (of which I suppose these resolutions to be merely an outline,) shall be reduced to a more definite form; and if the plan of the Council, (as I understand it), can be carried into effect without risking a forfeiture of our corporate privileges, I think

it not unlikely that I may conclude to adopt it, so far as my own professorship is concerned. I allude to the subject at this time mainly in order to render more clear my views on a subject nearly connected with it—that of our conversation on the 15th instant.

On that day I received a note from you, requesting an interview with me, in Professor Henry's lecture-room, at one o'clock, P.M. I then and there understood you to state, in substance, and with the concurrence of Professor Henry, who was present during the whole of our interview, that the Faculty, on the eve of entering on their new experiment, were desirous of doing so under the most favorable auspices. That the Faculty considered, and so deputed Professors Draper and Henry to say, that the spirit of opposition with which the students of the University had received my appointment was not removed, but was and would be continually manifesting itself by scenes of disorder and rebellious opposition to my authority; which would render still more doubtful the success of the experiment. That the Faculty thought it due to me to say now, that they considered my connexion with the University prejudicial to its interests, in order that I might not hereafter have reason to complain of ulterior measures.

Such, as nearly as I can remember, was your language on this occasion. I beg that you will understand that I appreciate at its proper value the considerate manner in which you fulfilled the doubtless very disagreeable mission which had thus devolved upon you—the regard for my feelings which led you to convey to me the opinion of our colleagues with the smallest amount of pain to myself—your expressions of personal esteem—and, above all, your voluntary and very flattering declaration, in which I understood Professor Henry to join, that you were ready at all times, and in all places, to express your conviction that my classes had been taught with zeal, ability, and in a thorough manner.

What I said in reply to your communication was, in effect, as follows:—

I asked whether the Faculty were of the opinion that they, under the new organization, had the right of expelling me, their colleague. You objected to the term “expel,” as too harsh; but admitted that the Faculty considered themselves as vested with such a power. I then expressed my surprise at the time selected by the Faculty for making this request, as I had at their recent meetings reported my classes as being in good discipline, and as manifesting a kindlier feeling.

To this you replied, that the turbulence manifested in the Hall, in the vicinity of my lecture-room, during the past two or three days, showed that the old feeling was still prevalent. My answer was, that for disorders in the Hall I was not responsible; that it was the janitor's duty to report all disorder there; and that it was for the Faculty to see that he did so;

and that the Faculty were equally responsible with myself for all disorders committed elsewhere than in my lecture-room.

I then asked, whether the Faculty thought they had gone far enough in supporting my authority, when the severest act of discipline they had exercised upon the students, since my duties commenced, was the dismissal of one and the suspension of another. I was reminded, however, that several students reported by me had received admonitions and reprimands, I then alluded to a particular and very gross case of premeditated disorder, in which, owing to the reluctance of the Faculty to administer discipline, when the case was reported to them by me, the offence was repeated the next day.

I reminded Professor Henry that I at that time requested him to call a special meeting of the Faculty, that I might bring the offenders up for punishment; and of his having asked me whether I had not understood one of my colleagues as having stated, on the previous meeting, that the time might come when it would become necessary for the Faculty to say how far they would go in supporting a Professor; and of his (Professor Henry's) expressing a belief that a feeling was springing up in the Faculty which ought to make me hesitate before presenting any new cases for discipline.

I then reminded yourself and Professor Henry of my having withdrawn my request for a special meeting, in consequence of my having received in the interim a visit from a member of the Junior Class, the particulars of which visit had already been detailed to the Faculty, and which were—that the student in question wished to inform me that the disorderly portion of the Junior Class had come to the determination to reform their conduct, and to give me no farther trouble. That the Faculty were aware that since that time I had never had occasion to report of that class aught else than that it was in a state of good discipline.

As to a resignation of my professorship, I declared that such a step would, if unexplained, expose me to the imputation of a want of stability of character, as ruinous to my future prospects as would be the operation on the mind of the public of the belief that I had been compelled to resign because I could not enforce discipline among my students. In neither case could I reasonably hope to receive a similar appointment.

I then understood you to say, that my resignation might be put upon the ground that I was unwilling to remain in connection with the Institution under its new organization, and to involve myself in the pecuniary responsibilities that might hereafter become incident to that change; or, that my resignation need not take effect before the close of the Term.

I then observed, that it was due to the Council which had honored me with so decisive a proof of confidence as the electing me to my professorship by fourteen votes out of seventeen—it was due to them that I should take the advice of some of their number as to the line of conduct proper for me to adopt.

Such, as nearly as I can remember, was the tenor of my reply. Nearly a week has passed by. I have reflected long upon my position ; and, acting upon the advice of those whose judgment in this case I think entitled to weight, I now give the Faculty, through you, my answer to their request.

On entering upon the duties of my professorship, I was informed that I would find the position a difficult one to fill. The doubtless well meant, though, perhaps, hasty action of the Alumni had by no means prepossessed the undergraduates in my favor, as an Alumnus of another institution. Especially was I put upon my guard against the Junior Class. As Freshman and Sophomore, it had won for itself the character given it by the Faculty, of being the most turbulent class in the University. And I was told that, for some reason or other, the Greek room had always been selected by the classes as the theatre of disorder.

Now, if my colleagues could not tame down this class, during its Freshman and Sophomore years, with what justice can I be blamed for its insubordination, after a connection with it of scarcely four months? And I distinctly lay claim to having, during that period, removed much of the hostility to myself which that class originally displayed, and established kindly personal relations with many of its members. And I must candidly state it to be my solemn conviction that the discipline in my lecture-room is as perfect as it can be in an Institution which has no printed statutes, and in which that unfortunate usage has established itself of allowing the students to converse with one another while the Professor is lecturing.

Under these circumstances, I can have but little hesitation as to my reply. The request does not come from the Council, by which I was appointed, and to which alone I am responsible. It professes to be founded on a state of facts which the general government of the University by its Faculty, and not the local discipline of my lecture-room, can thoroughly change ; but which the discipline of my lecture-room is daily ameliorating. It contemplates my humiliation, without inquiry on the part of those who condemn me—without opportunity of defence or explanation on my part—and on account of difficulties, which, if they exist at all, have existed in the University for years before I became one of its officers ; and which, after a few months' trial, I find myself daily more and more competent to encounter. And so insufficient on their face are the arguments advanced in its favor, (when viewed in connection with the history of the Institution, and the daily experience of its Professors for years past,) that, were I to act upon them and resign, the natural inference would be, that "my inability to enforce discipline," was but the charitable pretext under which my colleagues concealed some far graver charge against me.

If I receive at the hands of the Faculty the most distant approach to a cordial support in enforcing discipline, all difficulties will vanish at once. If they see fit to pass over in silence the grossest acts of inattention and disorder, and of interference by the indolent and mischievous student

with the honest efforts of his more ambitious neighbor, and to leave the whole matter in my hands even then, I believe that I can conquer the spirit of disorder which I have already begun to control, and on them shall the blame rest if I fail at last.

If the students shall become impressed with a notion that I am regarded with distrust and aversion by my brother Professors, and that I am not to be upheld in the effort to perform my duties by any exercise of the discipline which it is their office and duty to administer, the difficulties of my situation will become greater, and the responsibilities of those who cause them will increase in at least the same degree. But, in any event, my path appears to be plain—to abide in my present position—to fulfil its duties with my utmost ability—and to relinquish it when duly called upon so to do, for sufficient reason, by the authority by which it was confided to me.

In conclusion, I beg that you will pardon me for having thus trespassed upon your time and attention. But it is obviously desirable for us all, that, if it should hereafter become necessary to refer to the past, there should be the least possible room for misunderstanding or dispute, in any particular, as to our respective views on this subject, and as to the course we have severally taken in regard to it.

With assurances of undiminished regard, and the highest esteem, I remain,

Very truly, yours,

GEO. C. ANTHON.

APPENDIX C.

PAPER WITHOUT DATE OR SIGNATURE, BELIEVED TO BE A COPY OF A COMMUNICATION FROM THE FACULTY TO THE COUNCIL.

THE undersigned have received, through the Committee of the Council, a copy of the resolutions passed on the 7th of January instant, contemplating a re-organization of the Department of Literature, Science, and the Arts.

We should before this time have communicated our concurrence with this plan, but for circumstances connected with the relations between Professor Anthon and his classes. Unhappily, a disaffection towards him appears to have sprung up early last Term, among the students in attendance at his lecture-room, resulting in a series of acts of disorder, turbulence, and insolence.

The Faculty have endeavored to the utmost to sustain his authority, not only as a body by repeated inflictions of formal discipline, but also individually, by the exertion of all our personal influence over the students. From delicacy towards him in his new relations with us, we have felt the more especially disposed to do everything we could consistently do for his support, and have endeavored to meet his views with more unquestioning

readiness than we should have felt in regard to any other member of our body. But we now have come unanimously to the conviction, that Professor Anthon's continuance in his chair will be the greatest possible embarrassment, if not an insuperable difficulty, in the way of successfully carrying on the Institution. This conviction we have frankly communicated to him, in the hope he would be disposed to remove the difficulty in the form and manner least (*sic*) agreeable to himself.

Professor Anthon has signified his intention not to resign.

This state of things which has embarrassed us in coming to a decision on the matters submitted to our consideration; and we have thought it best to represent the facts to you. (*sic*.)

We have come to this conclusion in regard to Professor Anthon with the greatest reluctance, as towards him personally our sentiments are of the most cordial kind. Besides, every motive, both as regards our personal interest and the welfare of the University, would obviously lead us, especially at this time, to avoid unpleasant collision in any quarter, to carry Professor Anthon along with us if we possibly could; and nothing but the serious apprehension that his continuance in his chair *will have a disastrous effect in reducing the present number of students and in preventing future accessions** would induce us to take the ground which we have thought it our duty to take. We are the more troubled to have these things to state because, but for the disorders committed in Professor Anthon's room, we should be able to say that never, during the whole period of our connection with the University, has the interior state of the institution given us such unalloyed satisfaction, except in connection with his room. We have had no occasion for inflicting the slightest academic punishment; and have every reason to be gratified with the good order and studious diligence of the students.†

APPENDIX D.

LETTER FROM WALDRON B. POST, ESQ.

TO PROFESSOR ANTHON.

Sir—In answer to your note, I would state, that, on receipt of your letter to the Council, they passed a resolution in these words.‡

* * * * *

Then, a resolution passed, appointing a Committee to confer with Pro-

* The Italics are my own.

† I publish this paper, understanding that it is the production of the Faculty. Some peculiarities, however, in its style and construction, lead me to think it not impossible that I may have been misinformed as to its authorship.

‡ This resolution is not material, as it relates to the question of the precise time from which my salary was to commence.

fessor Anthon, on the subject of his communication.* This was opposed as unnecessary; but when it was understood that it had reference to the asking of Professor Anthon his resignation, it passed without dissent, as I believe most of the members were aware of a want of harmony and unanimity of action among the Faculty, without which it would be impossible to carry on successfully the Institution.

I am, yours, respectfully,

WALDRON B. POST.

March 6, 1851.

APPENDIX E.

STATEMENT OF PROCEEDINGS BEFORE THE FACULTY, ON THE TRIAL OF CERTAIN OF THE UNDERGRADUATES, FOR DISORDER, ETC.

ON the 24th of March, 1851, I made a written report to the Faculty, charging Mr. A.† and Mr. B., of the Freshman Class, with insubordination and insolence. The report stated, among other things, in substance, that, while the class was in attendance in my lecture-room, Mr. A. proceeded to take off the lock of the door with a screwdriver, which he had brought into the room. That, on being requested to leave the room, he did so; but returned, and conducted himself with insolence. That Mr. A. was again directed to leave the room; and that Mr. B. addressed the class, and moved that they go out with Mr. A.; and that Mr. A., having gone out, Mr. A. and Mr. B. continued to disturb the business of the lecture-room.

The consideration of this report was adjourned by the Faculty to the 25th instant.

On the 25th instant, I further reported to the Faculty, in writing, that Mr. A. had, on the morning of that day, entered my lecture-room with his class, and asked me in their presence what I meant by requesting him to leave the room on the preceding day. That Mr. B. told him to "stand up for his rights;" and "moved that the class go out." That for this insolence both gentlemen were directed to leave the room. That they did so; committed various acts of disorder in the Hall, in order to annoy me; and finally returned to the lecture-room. Were again ordered to leave it; which they refused to do; and that I thereupon dismissed the class.

I was requested by the Faculty to name the punishment which ought to be inflicted on these students. I declined doing this, unless the minutes should state that I was unwilling so to do in my present delicate position with reference to the University. A resolution, with a preamble reciting

* In which I signified my assent to the new organization. (See page 27.)

† The initials given in the above statement are, of course, not those of the names of the young gentlemen who were parties to the proceedings.

my objections, was drawn up by me, and adopted by formal vote. I then named *expulsion* as being in my opinion the appropriate penalty.

Mr. A., on being called on for his defence, said, in substance, that he did not bring the screwdriver into the room on the 24th, but found it there; that he "playfully took it up, and made the motions of unscrewing the lock;" that he did not talk with Mr. B., or otherwise disturb the business of the lecture-room, after having been sent out; that he did not prevent the door from being shut, but stood at the door "trying to listen to the recitation;" that his various remarks and inquiries addressed to me on both days were respectful and proper. He denied a verbal refusal to leave the room; but admitted that he did not leave it when directed so to do.

Mr. B., on the charges against himself being read to him, admitted them to be true. They were afterwards read to him, one by one, and he assented to their correctness.

The Faculty here adjourned the further consideration of the case to the 26th instant.

On the 26th, the case was farther proceeded with. When the question as to the adoption of the minutes of the last meeting of the Faculty came up, I requested that my charges might appear upon the minutes of the Faculty. This request was not allowed; but they were ordered on file—the Chairman of the Faculty designating a written protest presented by me on the previous day as "tom-foolery."*

A member of the Junior Class, (Mr. C.,) being examined, stated that he found the screws of the lock in question partly removed.

Mr. A., being again examined, said, in substance, that he did not bring the screwdriver into the room, but found it there; that he took it up, played with it, and cleaned his nails with it; put it into the screws, but did not turn them; that he did not know how to take off the handle of a mortice-lock; that another student, (Mr. C.,) had told him that he had partly unscrewed the lock; that, when Professor Anthon directed the door of the lecture-room to be closed after Mr. A. had left the room, his (Mr. A.'s) foot happened to be in such a position as to prevent the door from closing, without any design on his part.

The statements of Mr. A. before the Faculty, on both days, were taken down by me at the time, in writing, with great care and deliberation, and read to him from time to time during the progress of the inquiry, in order to ensure correctness.

* This, though I have called it a protest, was not technically such. It was a written memorandum of my objection to certain evidence. The student had commenced his defence with a statement that certain other disorders had occurred. I objected to his doing so. Other members of the Faculty insisted that it was competent evidence in his justification. I then reduced my objection to writing, and handed it in.

On these charges made by me, and this evidence and defence, the Faculty proceeded to discuss the case of Messrs. A. and B.

Professors Johnson and Henry expressed the following views :—

That, inasmuch as Mr. A. was not proven to have brought the screw-driver into the lecture-room, a material portion of the charge against him had failed. That the student, having denied all insolence of manner and all disorder in the Hall and lecture-room, the charges against him were not fully proven.

That, inasmuch as the charges against Mr. A. appeared not to be sustained, or proven only in part, Mr. B.'s case assumed a different aspect, inasmuch as he might have been carried away by his feelings, or led to forget himself, by witnessing the apparently harsh or unjust treatment of his class-mate, Mr. A.

The Faculty adjourned the farther consideration of the case to the 27th instant.

On the 27th instant, the case was disposed of by the Faculty.

Mr. A. was sentenced to receive an *admonition* ; and that his father be informed of the fact.

Mr. B. was sentenced to be *suspended indefinitely*.

The foregoing statement covers, I believe, every material feature of this case, and the proceedings of the Faculty upon it.

If it contain any inaccuracies, or, if anything deemed material be omitted, I now request that such inaccuracy or omission be pointed out ; and that such correction or addition be appended hereto, in writing.

Having made these charges, founded upon my own observation, and sustained by my own evidence ; and having expressed to the Faculty my views on the subject ; and the students charged having been heard before the Faculty, and made the defence which I have stated—I consider that I have done all my duty requires me to do in the premises, to uphold the discipline of the Institution.

I respectfully request that this communication be filed ; and that there be filed with it, at the same time, a statement of any particulars wherein it is erroneous or defective.

My object in making this request is—that the course and manner of the administration of discipline by the Faculty may be hereafter made to appear, in case it become necessary to inquire into it ; and that this case may be hereafter referred to, if necessary, as an illustration and example of such administration of discipline admitted by all parties to be correct and accurate.

New-York, March 27, 1851.

GEO. C. ANTHON.

APPENDIX F.

COMMUNICATION FROM THE FACULTY TO THE COUNCIL, APRIL 2, 1851.

TO THE COUNCIL OF THE UNIVERSITY.

THE Faculty beg leave to refer to the communications heretofore made by them to two several Committees of the Council, and to inform the Council that the views there expressed have only been strengthened by the time that has elapsed.

Since the last of these communications, the Faculty have done all things they could, by their individual and personal influence, to sustain Professor Anthon's authority; and they have also, as a body, inflicted a larger amount of disciplinary punishment in his behalf than has been found requisite (they believe) in regard to any other member of the Faculty for the past twelve years.

We have come to the conclusion that it is impossible to sustain Professor Anthon's authority and usefulness any longer; and that the best interests of the University demand the immediate dissolution of his relations with it.

We beg to call the particular attention of the Council to our reiterated assurance of the pain and reluctance with which we say this. We say again, too, as before, that we are deeply sensible every motive of good policy would induce us to carry Professor Anthon along with us, provided it were possible—even if we had any unfriendly feelings to be gratified by his removal, which is certainly not the case. It is a choice between calamities that is forced upon us—we are bound to choose that which we cannot but regard as the least.

(Signed,)

C. S. HENRY.

JNO. W. DRAPER.

E. A. JOHNSON.

ELIAS LOOMIS.

UNIVERSITY,

Wednesday, April 2, Three o'clock, P.M.

NOTE.—On reading over the proof sheets of this narrative, I find that I have omitted to state distinctly a fact which, however, is implied in more than one place—viz: that shortly after my associates requested me to resign, certain of their number informed some of the undergraduates of that request, and of my refusal to comply with it. If disorders afterward occurred in the Greek lecture room, there is no difficulty in referring them to a sufficient cause.

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